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Committee on Economic, Social and Cultural Rights

Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Initial reports of States parties due in 2010

Pakistan*

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Introduction

1. The Government of Pakistan (GoP) signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 3rd November, 2004 and ratified it on 17th April, 2008. In accordance with Articles 16 and 17 of the Covenant, which stipulate that a State Party must submit its implementation report in accordance with its treaty obligations, the Government of Pakistan is pleased to present its initial report to the Committee on Economic, Social and Cultural Rights (CESCR).

2. This report mainly contains information and developments from 2008 to 2014 which have been obtained from various stakeholders through detailed consultative meetings and through information made available by the Government. Furthermore, this report has been prepared in coordination with the Ministry of Law, Justice and Human Rights along with the contributions of various Ministries and Departments both at the Federal and the Provincial levels. The guidelines adopted by the CESCR on 18th November, 2008 have been followed for the preparation of this report.

3. Although Pakistan ratified the ICESCR in 2008, yet prior to this date the Government of Pakistan has been making efforts through a number of legislative and administrative measures for realization of economic, social and cultural rights of the people of Pakistan. The Constitution of Pakistan in a number of its articles envisages the realization and protection of economic, social and cultural rights of its citizens.[1] Concomitantly, the Provinces of Pakistan have promulgated a series of legislations which aim to safeguard the economic, social and cultural rights of the Pakistani citizens. Moreover, Pakistan has ratified a number of international conventions[2] which directly or indirectly show a resonance with the articles of ICESCR.

4. This report contains information regarding the implementation of Articles 1 to 15 of the Covenant with emphasis on legislative, administrative and policy measures taken by the Government to ensure full realization of rights mentioned in the Covenant as well as the progress achieved therein.

Article 1: Right to self-determination

5. The universal realization of the right to self-determination is of great significance to Pakistan. Adhering to its principled position, the Government of Pakistan supports the right to self-determination and realization of the rights of all peoples subjected to colonization, alien domination or foreign occupation, including the people of Indian Occupied Jammu and Kashmir (IOK) and the people of the Occupied Palestinian and Arab territories in accordance with the relevant United Nations Security Council resolutions. We believe that the right to self-determination is the cornerstone of the UN system and a prerequisite to the exercise of other human rights. Pakistan itself gained independence as a result of a democratic struggle on the basis of the right to self-determination. Soon after its emergence as an independent nation, Pakistan played an active role at the United Nations to help

[1] Constitution of Pakistan: Article 03, Article 04, Article 8, Article 11(2), Article 17(1), Article 19(a), Article 24, Article 24(2), Article 25, Article 25 (a), Article 25(1), Article 25(2), Article 28, Article 35, Article 37, Article 37(e), Article 38 (b, c, d, e).

[2] Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD).

various colonized and subjugated nations in North Africa, Middle East and other parts of Asia in exercising their right to self-determination.

6. Every year, Pakistan sponsors a resolution at the United Nations General Assembly under the title "Universal Realization of the Right of Peoples to self- determination". This resolution has enjoyed consensus support of all the UN member states. The resolution reaffirms the fundamental significance of the universal realization of the right to self-determination by all people, including those under foreign and alien domination, and declares opposition to all acts of aggression and foreign occupation which result in the suppression of this basic human right.

7. The right to self-determination occupies a prominent position in the UN Charter. Pakistan has cogently advanced its position on the Kashmir issue as a matter of self-determination. Pakistan has backed the UN Security Council Resolution 47 of 21 April 1948, 51 of 3 June 1948, 80 of 14 March 1950, 91 of 30 March 1951, 122 of 24 January 1957 and Resolutions of the United Nations Commission for India and Pakistan (UNCIP) of 13 August 1948 and of 5 January 1949 all of which declare that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. Resolution 91 of 30 March 1951 and 122 of 24 January 1957 while annulling any anticipated action of the then constituent assembly of IOK with regard to the determination of the final status of the State reminded that the final disposition of the State would be determined through a free and fair plebiscite. UNSC Resolution 91 reminds the Governments and authorities concerned "of the principles embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations." UNSC Resolution 122 while referring to then constituent assembly of IOK reaffirmed that "that any action that assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or actions by the parties concerned in support of any such action by the assembly, would not constitute a disposition of the State in accordance with above principle."

Article 2: Principle of progressive realization

8. Since its establishment, Pakistan has striven to enact appropriate legislation that protects and promotes the economic, social and cultural rights of its citizens without any discrimination. Considering the country's unique socio-economic, cultural, and political composition, there was a dire need to construct a comprehensive, workable and need based legal framework for the State of Pakistan. Pakistan enacted a good number of laws and statutes around the basic law of the state i.e. Constitution of Islamic Republic of Pakistan.

9. The fundamental law and statutes include the Contract Act, the Law of Inheritance and Succession , the Family Laws, the Consumer Protection Act, the Mineral Resources Act, the Land Acquisition Act, the Coal Mines Labour Welfare Fund Act, the Environmental Protection Act, the Labour Act, the Factories Act, Industrial Relations Act, the Social Security Laws, the Mine Act, the Employees Old Age Benefit Act, Right to Free and Compulsory Education Act, 2012 , the Higher Education Commission Ordinance, the Protection of Minors Act, the Prevention of Anti-Women Practices (Criminal Law Third Amendment) Act 2011, The Disabled Persons (Employment and Rehabilitation) Act, 2010. There is a long list of legislative measures taken to improve and strengthen the legal framework which includes both substantive and procedural reforms keeping in view the fast

changing dynamics of society in the global world. This whole scheme of things constitute a legal system that provides important legal safeguards for the promotion and protection of citizens' economic, social and cultural rights. Pakistan's laws and policies are strictly congruous with the International Covenants. The Constitution of Pakistan which is fundamental law of the land provides series of articles and clauses whereby human rights are protected and ensured.

Article 3: Equal rights for men and women

10. Article 4 of the Constitution of Pakistan provides that every citizen of Pakistan, whatever he or she may be, and every other person (foreigner) within the territorial jurisdiction of Pakistan shall enjoy the equal protection of law and he/she shall be treated in accordance with law.

11. The most significant dimension of Article 4 of the Constitution is the right of "access to justice to all". This is an inviolable right enshrined in the constitution. The right to access to justice includes the right to have a fair and proper trial and right to have an impartial court or tribunal. Without having right to access to justice, the fundamental rights enshrined in the constitution will be meaningless and will have no efficacy or value to the public at large. It is pertinent to mention here that even a foreigner residing in Pakistan is entitled to enjoy the benefits of Article 4. Therefore, this article provides full force of law, in spirit and content, to protect and ensure economic, social and cultural rights of nationals and foreigners.

12. Article 8 of the Constitution of Pakistan is comprehensive and broad spectrum in its nature. It ensures the continuity of fundamental rights in the society and provides any attempt to impede the incessant process of fundamental rights would not have any force of law and will have to be considered void ab initio. Albeit, it does not deal with any specific fundamental right but issues a command that if any custom, usage, or law having the force of law is inconsistent with the fundamental rights enshrined in the constitution it shall be considered void ab initio.

13. In view of the spirit of this Article, the Superior Judiciary of Pakistan has declared a number of enactments and executive orders as void to the extent of their inconsistency with the fundamental rights. It is reflective of the strict inbuilt constitutional mechanism to remove any obstruction in the way of implementation of fundamental rights of the citizens of Pakistan, inclusive of their economic, social, and cultural rights as elaborated in the Covenant.

14. The Superior Judiciary of Pakistan, being the custodian of the Constitution and fundamental rights, has issued "dictum" that fundamental basic structure of the Constitution, meaning thereby, even amendment of constitution line spacing may be adjusted is not permissible so as to change/alter its basic structure, framework, and essential features.[3] Any such amendment, which directly or indirectly impinges upon the fundamental rights of the citizens, shall be liable to judicial review and may be declared void in case of inconsistency.

15. Article 25 of the Constitution of Pakistan provides the doctrine of equality of all citizens in the eye of law and each citizen is entitled to equal protection of law. It further states that there shall be no discrimination on the basis of sex. Women and children, being vulnerable sections of the society, could be at risk of being the state resources in an

[3] Text of the order dated 21-10-2010 of SCP passed in 18th amendment cases. Retrieved from http://www.supremecourt.gov.pk/web/page.asp?id=433.

environment of open competition. This article provides a special clause whereby state can make special provisions for the protection of women and children. This article fully encompasses the essence of the Covenant and substantially contributes to ensure economic, social, and cultural rights.

16. Pakistan is fully committed to the fight against all kinds of discrimination including discrimination against women and to enhance their participation in social, economic and cultural spheres. It is the responsibility of the government to protect and safeguard the individuals against acts of discrimination. Pakistan has incorporated sound and effective measures into its legislation concerning equality. In addition to the constitutional provisions, the Government of Pakistan has promulgated following legislations to promote gender equality and to protect women against discrimination:

(i) Protection of Women (Criminal Laws Amendment) Act, 2006;

(ii) The Protection Against Harassment of Women at the Workplace Act, 2010;

(iii) The Hindu Women's Rights to Agricultural Land Ordinance, 1959;

(iv) Domestic Violence (Prevention and Protection) Act, 2012;

(v) Prevention of Anti Women Practices Act 2011 (Criminal Law (Third Amendment));

(vi) Criminal Law (Amendment Act), 2010;

(vii) Criminal Law (Second Amendment) Act, 2011.

17. The Government has initiated various programs and projects to elevate the status of women in the light of the legislations enacted in the country. In this regard, following important developments have taken place in the country:

(i) Establishment of Ministry of Women Development (devolved after 18th Constitutional Amendment);

(ii) Departments of Women Development across provinces;

(iii) Establishment of National Commission on Status of Women (NCSW);

(iv) Establishment of offices of Ombudswoman (to adjudicate grievances of women);

(v) Establishment of federal and provincial Gender Reforms Action Plan (GRAP);

(vi) Punjab Women Empowerment Package (2012);

(vii) Reserved quota of 17% for women in National Assembly and 33% in Provincial Assemblies;

(viii) Reserved quota of 15% for women in public sector jobs in Punjab;

(ix) Reserved quota of 10% for females in Central Superior Service (CSS);

(x) Setting up of shelter homes (Darul Aman) for women in distress.

18. Additionally, in order to eliminate discrimination against women and to improve their status in the country, the Government of Pakistan ratified Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on 12th March, 1996. Pakistan has been striving hard for the realization of envisaged articles of the said convention and it has adopted a series of administrative and programmatic measures in this regard. Pakistan has also presented its fourth periodic report to CEDAW Committee.

Article 6: Right to work

19. The Government of Pakistan has taken a number of legislative and practical steps to reduce unemployment in the country and also to ensure the effective realization of the right to work. In this regard, the policies, programs, and projects have been customized to reduce unemployment among disadvantaged segments in the country including women, young persons, older persons, persons with disabilities, and ethnic minorities.

20. Constitution of Pakistan guarantees the right to work for everyone without discrimination thereby allowing the utilization of their full potential. Article 3 spells out the elimination of exploitation and states: "The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work". Article 32 guarantees the participation of disadvantaged groups in local government institutions. Furthermore, Constitution of Pakistan provides protection to women and children from the unsafe and unsuitable work. In this regard, Article 37 which relates to "promotion of social justice" stipulates in its Section (e) that: "The State shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment".

21. Along with the right to work, the Constitution of Pakistan also provides an extensive mechanism for the "promotion of well being of the people". In this regard, Article 38 Section (b) states that "The State shall provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure. Under section (e) of the same article it is stipulated that the state shall reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan".

Targeted employment programs

22. The Government of Pakistan is committed towards ensuring full and productive employment in the country. Notwithstanding the political and economic turmoil in the region, the Government has introduced various programmes and policies to integrate the marginalized in the mainstream of labor market. The overall focus of these initiatives is to create decent employment opportunities and human resource development.

Micro credit facilities through SME bank

23. To encourage entrepreneurship at small and medium level, the Government of Pakistan has taken several strategic and operational measures for increased financial access to Small and Medium Enterprises (SMEs). These measures have not only helped in developing legal frameworks for micro credit facilities but have also produced a demonstration effect.

24. SME Banks have been established to provide financial assistance and business support to small and medium enterprises. So far, SME Banks have disbursed loans amounting to Rs.10,206 million on easy installments. As a result 41,587 persons have benefited. The distribution of loan is strictly on merit and there is no discrimination with respect to age group, ethnicity, and gender.

25. The Khushalli Bank has been established in collaboration with the Asian Development Bank under Microfinance Sector Development Program (MSDP). This Bank provides loans up to Rs.30,000 to the unemployed people for starting businesses. Since its inception, this bank has disbursed loans amounting to more than Rs.27,369 million to more than 2.4 million persons. The bank has an excellent recovery rate of over 97% which

implies that the beneficiaries have been able to generate income from these loans. The Bank is also sensitive to the gender empowerment and about 30% of its clients are marginalized women.

Rozgar (employment) for marginalized groups

26. Under the auspices of President's Rozgar Scheme, National Bank of Pakistan has developed a wide product range summarily titled "NBP Karobar". Under this scheme, the bank offers an average amount of Rs.100,000/- to the unemployed and poor people for a period of five years. The program works throughout the country with an aim to reach out to marginalized communities at their doorsteps without any discrimination. As a general criterion, any unemployed male or female aged 18-45 years is entitled to apply for the loan.

Encouraging youth employability

27. National Internship Program (NIP) aims to harness the energy and motivation of educated youth as paid interns in the public sector organizations. Through this initiative, degree holder students not only get financial relief but also enhance their employability by serving in the public sector organizations. Concomitantly, public organizations benefit from the motivation and modern day knowledge of educated youth. During the last three years, NIP has offered internships to more than 85,000 young people at the rate of Rs.10,000 per month to each intern.

28. Prime Minister's Business Loan Scheme focuses on unemployed youth willing to start new business activity. Government has allocated an amount of Rs.5 billion for the fiscal year 2013-2014. The loan size under this scheme ranges from Rs.0.5-2.0 million with an average amount of Rs.1.25 million. As a condition, 50% of the loans will go to women. This clearly indicates the Government's vision towards youth employment with a particular focus on women's employability.

Employment opportunities for rural and marginalized people

29. Prime Minister's Qarz-e-Hasna Scheme is a micro finance facility for the vulnerable rural and urban poor with a poverty score of up to 40. This initiative caters to the adverse effects of persistent energy and industry crisis in the country. Fifty percent of the financing would be for women just to empower them economically. The scheme is based on interest free financing. 250,000 loans at an average rate of Rs.25,000 each were earmarked for the year 2013-14. People belonging to the less privileged areas are given preference so that they can improve their lives and transform themselves from takers to givers.

Creating space for monitories to work

30. The Government has taken several steps for the development and welfare of minorities. In this regard, 5% job quota is allocated for the minorities in all government jobs, including the Central Superior Services (CSS), besides on open merit.

Disabled persons' employment and rehabilitation

31. The disabled persons' right to work is practical measures. Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 protects the rights of persons with disability and provides them an opportunity to enjoy their socio-economic and cultural rights. Various government departments at provincial level, particularly the Special Education Department and Social Welfare Department, are engaged in ensuring the implementation of the said Ordinance. The focus of these departments in each province is centrally geared towards better employability, improved living standards, public participation and rehabilitation of disabled persons.

32. After 18th Constitutional Amendment, this subject has come under the prerogative of the province. Provincial Council for Rehabilitation of Disabled Persons (PCRDP) has been established to formulate policy for employment, rehabilitation, and welfare of disabled persons. Furthermore, under the umbrella of Disabled Persons (Employment & Rehabilitation) (Amendment) Act, 2012, 2% quota for the employment of disabled persons is strictly followed in the public as well as in the private sector establishments. As a mechanism for the implementation of 2% quota, Social Welfare Departments collect information from public as well as private sector organizations regarding employment of disabled persons against the said quota on a prescribed Form.

33. In case any organization does not recruit a disabled person, that organization is bound to pay a sum of amount it would have paid to a disabled person if he/she would have been employed in that organization (Disabled Person (Employment & Rehabilitation) Rules, 1987). This mechanism has twofold results. First, it provides employment to the disabled persons and second, in case of non-recruitment of disabled persons, funds are collected by PCRDP and distributed among unemployed disabled persons for their self-employment, welfare, and rehabilitation.

Informal Economy

34. Informal economy comprises of micro enterprises, home based workers and bare-minimum survival activities such as street vending, rag picking, domestic work and other such work which is not covered under the established rules and regulations of the formal sector. The informal sector covers a wide range of labour market activities and plays an important and sometimes crucial role. It provides jobs and reduces unemployment but in many cases jobs are low paid.

35. According to the Economic Survey of Pakistan 2013-14, the share of informal economy (73.6%) in Pakistan is much higher than the formal economy (26.4%). In the rural areas, the proportion of informal economy (77.4%) was higher than in the urban areas (69.9.2%). Contrarily, the share of formal economy in urban areas (30.18%) was higher than its share in the rural areas (22.6%). Data also revealed that the proportion of females in rural areas in informal economy (78.22%) was higher than that of males (77.42%). However, informal sector involved a higher proportion of males (70.4%) than females (65.1%) in urban areas.

36. Data revealed that in Pakistan the majority of the informal sector work force comprised of employees (46.4%) followed by own account workers (41.9%), contributory family workers (9.6%) and employers (2.1%). Gender disaggregation of the data revealed that there was a higher co sector (49.1%) as compared to the males (46.1%). Comparably, the proportion of males (42.4%) outnumbered the females (37.9%) in "own account workers" Category. Furthermore, it was found that there was a high proportion of females (12.9%) as compared to males (9.2%) who were contributing as family workers (Table 1).

Table 1
Employment Status-Informal Sector 2013-14 (%)

Total	***Total***	*Male*	*Female*
	100.0	100.0	100.0
Employers	**2.1**	2.3	0.1
Own account workers	**41.9**	42.4	37.9
Contributing family workers	**9.6**	9.2	12.9
Employees	**46.4**	46.1	49.1

Source: Labour Force Survey 2013-14, Government of Pakistan.

Legal safeguards to protect unfair dismissal

37. The dismissal of an employee is guided by Industrial and Commercial Employment (Standing Industrial and Commercial Employment Standing Orders) Ordinance 1968. Termination of an employment contract may be either termination simpliciter, which is termination on grounds other than misconduct after a notice (Section 12) or termination on account of misconduct (Section 15). Notice of termination, for termination simpliciter, is mandatory for permanent employees. A notice of one month must be served before severing the employment relationship or payment of one month's wage in lieu of notice may be provided (Section 12.1). The law also obligates the employer to provide the termination certificate in writing stating the reasons for this action.

38. Although there is no specific provision for just cause dismissal, the requirement of written termination letter concurrent with Section 41 of Industrial Relation Act (IRA) 2008 allows the labor court to inquire into the legitimacy of termination provided there should be bonafide and valid reason for dismissal. Termination on account of trade union membership and the related activity is an invalid reason for termination (ILO, 2000: 259).

39. While termination is being done on account of misconduct, worker has still the right of fair hearing. Termination on economic reasons/retrenchment has not been focused in law; however law does provide the procedure of retrenchment and preference for rehiring of retrenched workmen. In case of laid-off workers, they must also be given due notice or payment in lieu of notice.

40. If the employer wants to close down the whole business or is terminating the employment of 50 or more workers, it must get the prior approval of labor court. An individual, whose employment is terminated, has first to use internal mechanisms for dispute resolution. However if he is not satisfied with the decision, he may appeal to the labor court. In that case, labor court is authorized to go into all the facts of the case and determine whether or not the termination was valid and bonafide.

41. The said ordinance also provides for severance pay/gratuity to be paid (when an employee resigns or his services are terminated on grounds of other than misconduct) equivalent to 30 days wages for every completed year of service or any part thereof in excess of 6 months (For 20 years of service, this means 90 weeks of severance pay).

Technical and Vocational Training Programs

42. To provide Vocational and Technical Training to the people, two main federal and provincial departments namely National Vocational and Technical Training Commission and Technical and Vocational Training Authority are being set up with the contributions of various international and local organizations. Provincial departments namely TEVTA Punjab, TEVTA Sindh, TEVTA KPK, TEVTA Baluchistan work in close collaboration with National Vocational and Technical Commissions in providing employable skills to the disadvantaged and marginalized people.

National Vocational and Technical Training Commission

43. National Vocational and Technical Training Commission (NAVTTC) was established in December 2005. Being a federal agency for Technical and Vocational Education Training (TVET), NAVTTC facilitates, regulates, and provides policy direction for skill development in Pakistan. Under the National Vocational and Technical Training Commission (NAVTTC) Act, 2011 NAVTTC is responsible for setting-up of national occupational skills standards, development of curriculum, national qualification framework, labour market information analysis, training of trainers, public private partnership and setting-up of institutional standards for TVET providers.

Technical and Vocational Training Authority (TEVTA)

44. TEVTA was formed through an Ordinance (No. XXIV of 1999) promulgated by Governor of the Punjab which has now been replaced by TEVTA ACT (ACT X OF 2010) Punjab. National Vocational and Technical Training Commission (NAVTTC) initiated two major training programs named President's Funni Maharat Program and Prime Minister's Hunarmand Pakistan Program in the country under the President's and the Prime Minister's directives. Through these programs, quality vocational and technical training remained focused on young men and women throughout the country. In addition to the training, stipend of Rs.2,000 per month was paid to the participants.

45. Under Presidential directive, National Vocational and Technical Training Commission started President's Funni Maharat Programme. Through this programme skills/technical training to the unskilled and uneducated population of Pakistan is being provided. By this programme 47,765 uneducated and poor persons will benefit. This target will be achieved in 2.5 years against a cost of Rs.1.17 billion. NAVTTC has established 130 new vocational training centers/institutes in 79 uncovered tehsils of Sindh, Punjab, KPK, Balochistan, AJ&K and Gilgit-Baltistan, where no TVET institute exists.

46. Funni Maharat and Hunarmand Pakistan Program have made significant progress for providing technical training to people of Pakistan. Under the flagship of President Funni Maharat Program, 36,381 persons were trained up to December, 2013 whereas 1,171 people are under training. Likewise, under Prime Minister Hunarmand Pakistan program, 11,992 people have been trained and 4,096 people are under training. These two programs contributed to provide training to a total of 148,373 persons up to December 2013.

47. NAVTTC has run short-term skill development project through Mobile Training Units to broaden accessibility of training focusing on Temporarily Dislocated Persons hailing from Swat, Matta, Buner, Khyber Agency, South and North Waziristan. These projects are run with the cooperation of Small Industries Development Board (SIDB), Department of Industries, and Government of Khyber Pakhtunkhwa. So far, 1,381 dislocated persons have been trained in different trades.

Article 7: The right to just and favourable conditions of work

48. As per Labour Policy 2010, the Government of Pakistan (set)/established the national minimum wage at Rs.7,000/- per month which has been revised up to Rs.12,000/ during the year 2014. The increasing trend of minimum wage is made on the basis of increased cost of living index in the country. Establishment and review of minimum wage as per the categories of worker is guided by the legislative provisions in the country.

49. Minimum Wage in Pakistan is set primarily by two ordinances i) The Minimum Wage Ordinance, 1961; ii) Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969. Recently, Government of Khyber Pakhtunkhwa has replaced both these legislations with Khyber Pakhtunkhwa Minimum Wages Act, 2013.

50. Minimum Wage Ordinance, 1961 is applicable to the employees of all industrial establishments (skilled, unskilled, apprentices). Nevertheless, the employees of federal and provincial governments, coalmine employees or persons employed in agriculture are not included in this Ordinance. However, for the establishment of minimum wage for coalmine workers, the Coalmine (Fixation of rates of wages) Ordinance, 1960 is followed.

51. The Minimum Wages Ordinance, 1961 has tripartite mechanism to establish minimum wages especially at provincial level. In the said mechanism, three social partners including workers, employers and government meet, discuss and solve work related issues. In this regard, boards are constituted at provincial levels which are mandated to recommend

the minimum wage rate for time work, piece work, overtime work, work on weekly rest days, etc. It is pertinent to mention here that these boards recommend appropriate wages depending upon the nature of work and industry. Keeping in view the changing economic conditions and consumer prices Minimum Wage Boards can periodically review these wages and recommend the same to the respective provincial governments under Section 7 of Minimum Wage Ordinance, 1961.

52. West Pakistan Minimum Wages for Unskilled Workers Ordinance, 1969 is applicable to all commercial and industrial establishments but the people in service of the Government of Pakistan and essential services such as hospitals, fire brigade etc. are not covered under this Ordinance. The National Minimum Wage announced by the Government is applicable to unskilled workers as defined under this ordinance.

53. The implementation of the Minimum Wage Ordinance is ensured with the help of Sections 21 and 22 of the West Pakistan Minimum Wages Rules, 1962. Government has appointed labour inspectors to regulate and to ensure the compliance of minimum wage at various establishments. The public sector organizations at federal as well as provincial governments strictly follow the national/provincial national minimum wage. In public sector organization, no appointments are made below the declared minimum wage whereas situation is slightly different in private sector organizations especially in local factories and indigenous form of businesses. Government is trying its best to include all such establishments under the ambit of law but still some gray areas in the implementation of minimum wages at these places exist. The Government of Khyber Pakhtunkhwa has repealed the Payment Wages Act, 1936 w.e.f. 28th January, 2013.

54. In case of government employees, the pay and pensions are reviewed on the recommendations of Pay and Pension Commission of Pakistan in order to enable them to meet the increased living expenses. On the basis of the recommendations of the Commission, the Government has revised the pay scales for government employees in 2011 which raised the salary of the employees by a fraction of 60%.

Equal pay for women

55. Article 25(2) of the Constitution of Islamic Republic of Pakistan states that there shall be no discrimination on the basis of sex. As per the principles enshrined in the constitution, the law requires that gender equality must be considered in fixing minimum wages. Therefore, wage rates for women cannot be lower than those of men in similar work. Additionally, Minimum Wages Rules, 1962 and Khyber Pakhtunkhwa Wage Act, 2013 clearly provide that there shall be no discrimination on the basis of sex.

56. Labor Policy 2010 states that minimum and above-minimum wages will be ensured on the basis of equal pay for equal work, and equal pay for work of equal value, as between men and women, in accord with Pakistan's obligations under ILO Conventions 100 and 111 concerning equality and non-discrimination respectively.

57. In the previous decade, there has been an encouraging increase in the labour force participation in Pakistan, particularly among females. In year 2003-04, the females labour force participation rate was 11.2% and with a total of 30.4% whereas it increased up to 32.9% for total and 15.6% for females (Labour Force Survey 2012-13). The Government of Pakistan provides, without discrimination, equal pay to male and female workers and it has resulted in an increasing number of female in labour force.

58. Labour Policy 2010 states that women will also benefit from information concerning their working conditions and arrangements in the informal economy, from improved maternity arrangements, codes of conduct relating to sexual harassment and, where possible, day care arrangement for their children.

Criminalization of sexual harassment

59. Pakistan has enacted "The Protection against Harassment of Women at Workplace Act, 2010" to protect women from harassment at workplace. It is a long awaited milestone in the legal history of the country where the word "harassment" is defined for the first time. Federal Ombudsman Secretariat (FOS) has established an online complaint mechanism which ensures the privacy and autonomy of the complainant. It registers cases from four provinces and all of their respective districts. Since the establishment of the FOS, the court of the Federal Ombudsperson has received 184 cases of harassment whereas it disposed of 181 cases. A low number of cases does not assure that workplace harassment is curtailed to the minimum number in Pakistan. This low number of complaints is because of the male-oriented institutional structures and cultural stigma which a woman has to face even as a victim of harassment. In this regard, along with the strengthening of affirmative structural arrangements, the mindset of blaming the victim for their ordeal has to be changed. For this, Government has launched various advocacy and awareness programs at both federal and provincial levels.

60. Under this Act, any person found guilty of harassing a woman at workplace may be sentenced to three years in prison and/or fined up to Rs.500,000. Under Section 3 of this law, internal departmental committees for addressing the issue of sexual harassment have been constituted in most of the departments. Each committee addresses the complaints on priority basis and submits its findings and recommendation to the competent authority. In case the accused is found guilty, one or more minor or major penalties are imposed thereof.

61. In case the victim finds the act of harassment more compelling, a special Ombudsperson Office is established to specifically deal with such a case (Section 8). Alternatively, the victim may directly go to the Police for filing complaint (under Section 509 of PPC).

62. In addition to the enactment of this Act, amendments have also been made in Pakistan Penal Code and the punishment for the offence of harassment (previously defined as insulting the modesty) has also been increased.

Safe and healthy work conditions

63. Factories Act, 1934 is applicable to the whole of Pakistan except Khyber Pakhtunkhwa where Khyber Pakhtunkhwa Factories Act, 2013 w.e.f. 16th March, 2013 has been enacted. It applies to all factories employing 10 or more workers, presently working or engaged in work on any day during the preceding 12 months and in any part of which a manufacturing process is or was being carried out. This vital piece of legislation regulates working hours, paid holidays, conditions of employment of male as well as female workers, children and adolescents and provides for the health and safety of workers. The medical examination and vaccination of workers has been made compulsory.

64. Factories Act, 1934 suggests that no adult employee can be required or permitted to work in any establishment in excess of nine hours a day and 48 hours a week. However, where a factory is seasonal, an adult worker shall work no more than 50 hours in a week and no more than ten hours in any day. Along with the constitutional provision of safe and healthy work environment, there are several legislations which put a limit on the working hours in order to ensure the leisure time and availability of holidays. For instance, Section 8 of the West Pakistan Shops and Establishment Ordinance, 1969 restricts weekly work hours to 48. Section 22-B of the Mines Act, 1923 fixes 8 work hours each day, and 48 hours a week. The law further implies that no worker shall work continuously for more than six hours, unless he or she had an interval for rest or meals of at least one hour.

65. Dock Labourers Act 1934, that guarantees the protection against accidents of workers employed in loading or unloading ships, was adopted at Geneva on the 27th April,

1932. Similarly, Mine Act 1923 is a federal legislative framework which enables the Provincial Governments to make rules and regulations for different categories of mines. This Act deals with the issues of mines which include provision of safe environment, identification of hazards and control over those hazards.

66. Workmen's Compensation Act, 1923 has provisions for the payment of compensation to specified classes of employees who, through injury by accident arising out of and in the course of employment, are disabled from earning their ordinary wages or to dependents of deceased workers, who died due to an accident, provided the incapacity caused by an accident. It is applicable to factories, railways, mines, plantations, loading and unloading activities, construction organizations and persons employed in PTCL and in post office service. The province of Khyber Pakhtunkhwa has repealed this Act with Khyber Pakhtunkhwa Workers Compensation Act, 2013.

67. Although there are thousands of factories working in the country but it is an encouraging aspect that the administration of those factories and establishments is well aware of ceiling of working hours with respect to given laws. They do not impel their workers and labourers to work more than the prescribed standards and set time. However, there are certain factories which are seasonal and they work 24/7 during the season. Such factories manage their work in shifts of workers and each shift is changed after nine or ten hours. Moreover, labour inspectors of provincial labour departments are responsible for inspection of respective factories in their area and for enforcement of the said law.

Article 8: Trade Union Rights

68. Article 17 (1) of the Constitution of Pakistan extends freedom of association to the workers to form or join trade union but under reasonable restrictions. Along with this, Pakistan has ratified ILO Convention No. 87 on Freedom of Association, and Convention No. 98 on Right to Organize and Collective Bargaining. All these measures collectively aim to consolidate and rationalize the process of formation of trade unions and regularization of their activities. Furthermore, these measures regulate relations between employers and workmen for avoidance and settlement of any differences or disputes arising between them.

Substantive or formal conditions to form or join trade union

69. As a result of the 18th Constitutional Amendment, the subject of labour welfare and trade unions has been devolved to provincial governments. In addition to the Federal Industrial Relations Act, 2012, all the four provinces have promulgated their own laws relating to industrial relations which include Punjab Industrial Relations Act, 2010; Khyber Pakhtunkhwa Industrial Relations Act, 2010; Balochistan Industrial Relations Act, 2010; and Sindh Industrial Relations Act, 2010.

70. The laws promulgated by all the provinces are largely in line with Federal Industrial Relations Act, 2010. There are few differences in some provisions of said laws. For instance, Balochistan Law provides for Provincial Industrial Relations Commission. The Federal and Sindh laws include that trade union shall include women in the executive of the said trade union with the same proportion in which they are employed in the establishment.

71. Under the Federal Industrial Relations Legislation, registration of a trade union is a mandatory requirement for work. Registration of a trade union is to be submitted before Registrar of Trade Union whereas in case of federation of unions, same needs to be submitted to National Industrial Relations Commission (NIRC). Industrial Relations Act, 2012 clearly indicates substantive and formal requirements in order to form trade union which include i) name and address of trade union; ii) statement of total paid membership; iii) constitution of the trade union bearing signature of the Chairman of the meeting; and

iv) resolution authorizing President and General Secretary to apply for registration of the trade union.

72. Freedom of association is guaranteed under Article 17 of the Constitution of the Islamic Republic of Pakistan. The Supreme Court of Pakistan (PLD 1997 SC 781) recognizes the right to form a trade union/association as a fundamental right. The Federal Industrial Relations Act 2012 emphasizes the freedom of association and the right to join international organizations. It states that workers, without distinction, have the right to establish and join international associations, federations, and international federations without previous authorization. It further provides that every trade union and employers, association shall frame its own constitution and rules to elect its representatives in full freedom to organize its administration and activities and to formulate its programmes.

Restriction to form or join Trade Union

73. The Federal Industrial Relations Act, 2012 does not apply to any person employed in i) Police or any of the Defense Services of Pakistan; ii) Administration of the State other than those employed as workmen; iii) the Security Staff of the Pakistan International Airlines Corporation; iv) Pakistan Security Printing Corporation or the Security Papers Limited; and v) an establishment or institution for the treatment or care of sick, infirm, destitute or mentally unfit persons excluding those run on commercial basis.

Collective Bargaining Mechanism

74. Under the umbrella of Industrial Relations Act, 2012, the collective bargaining agent in relation to an establishment or group of establishments are entitled to i) undertake collective bargaining with the employer or employers on matters connected with employment, non-employment, the term of employment or the conditions of work; and ii) give notice of, and declare a strike in accordance with the provisions of this Act. The total number of Collective Bargaining Agent (CBA) Trade Unions in Pakistan in given in Table 2.

Table 2
CBA Trade Unions in Pakistan

Provinces	*Number of unions*	*Total membership*
Punjab	1,528	233,786
Sindh	456	106,681
Khyber Pakhtonkhaw (KPK)	300	384,657
Balochistan	124	21,117
Islamabad	280	55,062
Total in Pakistan	**2,688**	**801,303**

Source: PILDAT, December 2009.

Right to Strikes

75. In case where an industrial dispute could not be resolved and both the parties (employers and workers) are not willing for further arbitration, Federal Industrial Relations Act, 2012 elaborates a comprehensive guideline for strikes and lockouts. Under the relevant provisions of this Act, if an employer or a collective bargaining agent finds that an industrial dispute has arisen or is likely to arise, there are elaborate conciliatory mechanisms to reach a settlement. If no settlement is arrived at within the stipulated period

of time and upon the exhaustion of all conciliatory efforts, the workmen can go on strike or as the case may be, the lawyer may declare the case lock out.

76. Where a strike or lockout lasts for fourteen or more days, the Government may, by order in writing, prohibit the strike or lockout. If the Government is satisfied that the strike or lockout is detrimental to the community and national interests, in any case, where the Government intervenes it shall refer the case to the commission and the commission will proceed.

77. The Government, in the case of a strike or lock-out relating to i) an industrial dispute of national importance; or ii) an industrial dispute in respect of any of the public utility services which the Commission is competent to adjudicate and determine, may by order in writing, prohibit a strike or lock-out at any time before or after the commencement of the strike or lock-out.

Article 9: Right to social security

78. Pakistan has taken number of legal and operational steps to ensure the "right to social security" for the people of Pakistan. The ambit of social security measures brings every individual into social security net irrespective of difference based on gender, caste, region or religion.

Legal provisions about right to social security in Pakistan

79. The Constitution of Pakistan safeguards the social security of the people with a commitment to provide every individual the right to social security. Article 38 (c) of the Constitution states that state shall provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means.

80. Along with the constitutional provisions, Pakistan has adopted a series of legislative measures to guarantee the right to social security. These measures include i) The Workmen's Compensation Act, 1923; ii) Maternity Benefit Act, 1929; iii) Punjab Maternity Benefit Act, 1943; iv) The West Pakistan Maternity Benefit Ordinance, 1958; v) The Provincial Employees Social Security Ordinance, 1965; vi) The West Pakistan Industrial and Commercial Employment Ordinance, 1968; vii) Workers' Shares in Companies Profits, 1968; viii) The Workers' Welfare Fund; ix) The Workers' Children (Education); x) The Employees Old Age Benefits Act, (EOBI) 1976; xi) Zakat and Ushr Ordinance, 1980; xii) Pakistan Bait ul Mal Act, 1992; and xiii) Benazir Income Support Program Ordinance, 2010.

Social security coverage in Pakistan

81. Social security in the formal sector is currently provided through social insurance programmes and other employer benefit schemes. For that reason, the goal of social security is achieved with the help of formal and informal social security schemes.

82. Recognizing the need to protect the poor and the vulnerable, the Government has launched several safety net programs. These social safety net programs not only provide social security to the targeted population but also increase the resilience of marginalized population in the wake of challenging economic circumstances.

Formal schemes of social assistance

83. The Employees Old Age Benefits Institution (EOBI) is a federal body constituted under Employees' Old-Age Benefits Institution Act, 1976 that provides age, disability and survivors pensions. This scheme provides coverage to workers employed by industrial and

commercial enterprises with five or more employees, irrespective of their status. Under this scheme, the employees are entitled to benefits of old age pension, invalidity pension, old age grant, and survivor's pension to those not entitled to pension. During July-March 2013-14, this program distributed Rs.10.98 billion to some 330,645 beneficiaries in terms of different benefits.

84. The Employees Social Security Institutions (ESSIs) are provincial bodies that provide health services and cash benefits to retired and senior citizens. This scheme was launched in March 1967 and it started enactment on provincial basis in July 1970. The benefits under this scheme are available in the areas including sickness, maternity, work injury, invalidity and death benefits (full wages with leave for a specified period).

85. The Benevolent Fund applies to the public service only and provides benefits to survivor as well. The benefits covered under this scheme include farewell grant, burial charges, marriage grant, lump-sum grant and education stipend. Benevolent grant is provided to the spouse or incapacitated employee for life if an employee i) dies during service; ii) retires on medical grounds; and iii) dies during retirement before the age of seventy years.

86. Under the Group Insurance Scheme, it is the statutory liability of the employers to pay a lump-sum gratuity to the workers on their retirement. In addition to retirement benefits, permanent workers in the formal sector tend to receive a wide range of employment-related benefits which include i) entitlement to free treatment in public hospital; ii) Subsidized housing; iii) subsidized education for children; iv) daily usage goods at discounted prices; and v) job reservation for children. This scheme applies at three tiers including federal, provincial and district level government system.

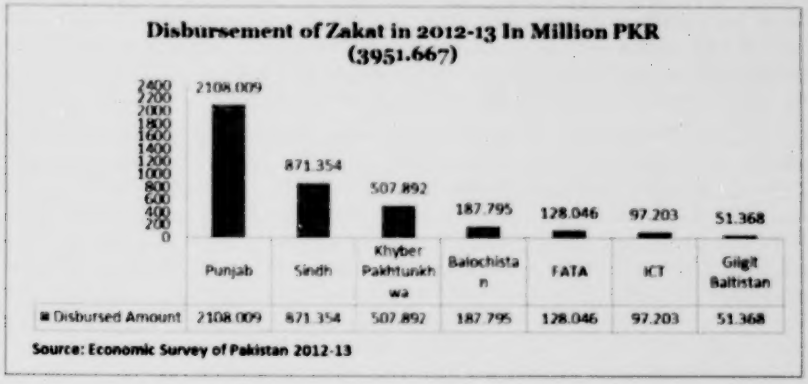
87. Compulsory Group Insurance Scheme, 1968 makes it mandatory for employers of the industrial and commercial establishments to insure all permanent employees against natural death, disability and injury arising out of contingencies not covered by the Workmen's Compensation Security Ordinance 1965.

Non-contributory schemes of social assistance

88. Informal social assistance is provided with the help of Zakat, Bait-ul-Mal and Income Support Programmes. By and large, target population or the beneficiaries of such programmes are disadvantaged or marginalized people. These programmes function in multiple ways to improve the social security of the targeted population.

89. Zakat system operates under the legal coverage of Zakat and Ushr Ordinance, 1980. Zakat funds are utilized to assist the needy, indigent, poor, orphans, widows, handicapped and disabled. The disbursement of Zakat funds is done directly through local Zakat Committee and indirectly through different institutions including educational and vocational institutions, and hospitals etc. Under the 18th Constitutional Amendment, the subject of Zakat has been devolved to the Provinces. Up to March, 2013 an amount of Rs.3,951.667 million was disbursed amongst the provinces and other administrative areas (Figure 2).

Figure 2



90. After a thorough situational analysis and needs prioritization, the Central Zakat Council decides the proportion of zakat funds to be spent on different categories for the assistance of individuals. These include: i) Guzara Allowance (Rs. 500/month) is given to the identified poor and needy person. The assessment of a person as "poor" or "needy" is done by the local Zakat Committee; ii) Educational Stipend is provided to the students who cannot afford their educational expenses at any level; iii) Health Care (medical assistance) is provided by the local Zakat Committee at Tehsil and District levels; iv) Social Welfare and Marriage Assistance provides funds to the poor and deserving families for the purchase of dowry on the occasion of their marriage.

91. Pakistan Bait-ul-Mal (PBM) is making a significant contribution towards provision of social security and reduction in poverty services targeted for destitute, widows, orphans, infirm and other needy persons irrespective of their gender, caste, creed or religion. PBM provides assistance for multiple purposes including medical treatment, education, self-employment and fighting hunger and poverty in the country.

92. Individual financial assistance for the disadvantaged and marginalized people for provision of medical, educational and rehabilitative services is managed by PBM. For that reason, an amount of PKR 6,286 million has been disbursed to benefit 1,55,204 individuals countrywide during July, 2009 to February, 2014.

93. Child Support Programme (CSP) is the first ever country's Conditional Cash Transfer (CCT) programme in which cash incentive is provided to the potential families for sending their children aged 5-16 years to primary schools. The programme is being run in 12 districts countrywide. An amount of Rs.184 million has been disbursed in all twelve districts from July, 2009 to February, 2014 to 106,537 families.

94. As a landmark initiative under PBM, 158 National Centers for Rehabilitation of Child Labour (NCsRCL) have been established countrywide. Children between the age of 5-16 years involved in hazardous labour are rescued and admitted in these centers where they are provided primary education. Currently, 19,372 students are enrolled and benefitting from these centers. Out of 19,372 students, 17,285 have completed primary education. Furthermore, 11,915 of 17,285 students have been admitted in government schools for further education up till December 2012.

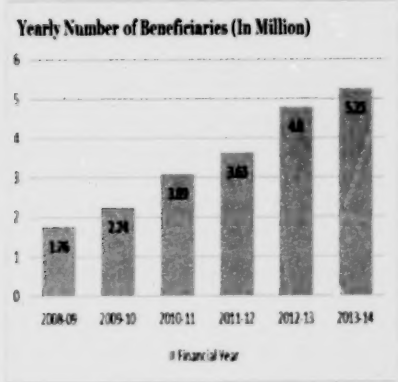
95. Under the supervision of PBM, 157 Vocational Training Centers (VTC) have been imparting technical and vocational training to widows, orphans and poor girls. Since inception of these centers, a total of 59,897 female students have been trained with a cost of Rs.478.58 million.

96. Under Special Friends of PBM (Disabled) Scheme, PBM took steps towards Right Based Life for Special Persons in Pakistan. Areas of support under this scheme are wheel chairs, hearing aids, white canes, artificial limbs and financial assistance. A family, who has 2 or more special persons, is called a special family and benefits from PKR 25,000 assistance on an annual basis. During the period of July 2009 to February, 2014, the scheme has 78,615 beneficiaries and PKR 626.7 million have been spent.

97. Peoples Works Program-I & II (PWP I & II) are targeted at the rural poor. It aims to provide them necessary infrastructure including electricity, gas, telephone, education, health, water supply, and sanitation facilities. An expenditure of Rs.137.249 billion has been incurred to improve the living conditions of poor people. Workers Welfare Fund (WWF) was established under Workers Welfare Fund Ordinance, 1971 for providing low cost housing and other facilities to the industrial labour. During July-December 2013-14, expenditures amounting to Rs.324.37 million has been made on award of 7,839 scholarships. Another Rs.280.17 million has been disbursed as Marriage Grant (@100,000) from which 3,924 families of workers have benefitted. Additionally, Rs.341.8 million were disbursed from Workers Welfare Fund for death grant against 761cases of mishaps of workers all over the country.

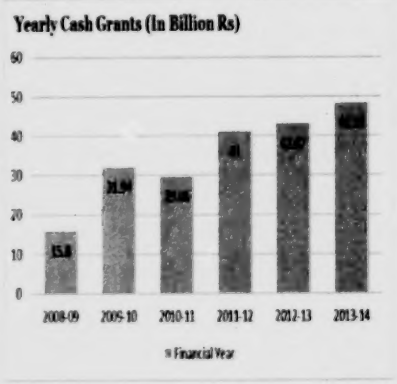
98. Benazir Income Support Program (BISP) is the flagship initiative of Government of Pakistan towards provision of social security and poverty alleviation. It was launched in July 2008 with primary objective of providing immediate relief and social support to the poor. The number of beneficiaries has increased from 1.7 million families in 2008-09 to nearly 5.25 million in year 2013-14 (Figure 3). Whereas, BISP annual disbursement rose from Rs.16.0 billion in 2008 to Rs.48.18 billion in first three quarters of 2013-14 (Figure 4).

Figure 3



Source: Economic Survey of Pakistan 2013-14.

Figure 4



Source: Economic Survey of Pakistan 2013-14.

99. The programs covered under BISP include i) Waseela-e-Rozgar (equip people with technical and vocational skills); ii) Waseela-e-Haq (provides microcredit interest free loans); iii) Waseela-e-Sehat (Group insurance scheme for the breadwinner of the beneficiary families); and iv) Waseela-e-Taleem (financial assistance to families on the condition to send their child to school). Till inception to June 2014, under the Waseela-e-Rozgar program, 57,000 people have been trained.

100. The BISP is being successfully implemented all across Pakistan including four provinces (Punjab, Sindh, Baluchistan, and Khyber-Pakhtoonkhwa), Federally Administrated Tribal Areas (FATA), Azad Jammu and Kashmir (AJK), Gilgit Baltistan

(GB) and Islamabad Capital Territory (ICT). This program is characterized with a highly customized, technologically sound computer based monitoring and evaluation system which adds to the transparency and credibility of this program. By this virtue, this program has achieved many national and international accreditations.

Social security with the help of private sector organizations

101. In addition to the government led social security measures, numerous private sector organizations are supplementing the state in the provision of social security to the people of Pakistan. In the province of Punjab alone, there are 7,713 NGOs registered with Social Welfare Department who are working for effective provision of social security services for the marginalized and the disadvantaged particularly children, women, old persons, and persons with disabilities.

102. Civil Society Wing (CSW) provides rehabilitative services to the poor segment of the society through public/private (NGOs) partnership. PBM provides grant in aid to registered NGOs for their projects focused on poverty alleviation in the fields of Health, Education, and vocational training, cataract & kidney dialysis operations and thalassemia patients, Innovative Pilot Rehabilitation Project. Health assistance with an amount of PKR 783.87 million during July, 2009 to February, 2014 has been provided to 110,937 beneficiaries.

103. Edhi Foundation is one of the biggest non-governmental service providers for provision of social safety. In private sector, it is the biggest ambulance service provider in Pakistan and undertakes a wide range of social safety projects which particularly benefit the poor and the disadvantaged. The most prominent projects include destitute homes, welfare services, highway project, ware houses, air ambulance services, refugees' assistance, and graveyard services.

104. The non-contributory schemes particularly Zakat, Bait-ul-Mal, BISP, WWF are periodically reviewed keeping in view the rate of inflation and increased living cost index in the country. The periodic review is mostly done at the time of new financial year when budget for the next financial year is presented. This review is made to ensure an adequate standard of living for the recipients and their families.

105. Nonetheless, only those people can benefit from the non-contributory schemes that hold the National Identity Card (NIC). These schemes use NIC number as unique code for applicant registration and the entire record of beneficiaries is maintained with the help of NIC number. In this view, the non-national cannot register themselves with these non-contributory schemes.

Article 10: Family protection

106. Family protection in Pakistan is ensured with the help of constitutional provisions, national legislative measures, and International Conventions ratified by Pakistan. Article 35 of the Constitution of Pakistan guarantees the protection of family and states that "the State shall protect the marriage, the family, the mother and the child." Moreover, Pakistan has ratified International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and Convention on the Rights of the Child (CRC) which together emphasize that family is the natural and fundamental group of society and it should be protected by the society and the state.

Right to enter into marriage with free consent

107. Pakistan has adopted various legislations to ensure the right of men and women to enter into marriage with their full and free consent and to establish a family. Article 35 of

the Constitution is in line with Article 16 of CEDAW (ratified by Pakistan on 12th April, 1996). In addition to the constitutional provision and international commitments, the Government of Pakistan has promulgated several legislative frameworks to ensure the protection of family life, particularly with reference to "right to marriage with full and free consent", including Muslim Family Laws Ordinance, 1961 protecting the rights of women regarding marriage and divorce and Child Marriage Restraint Act 1929 restraining the solemnization of child marriage.

108. Laws in Pakistan ensure the right of dissolution of marriage to both male and female. In Pakistan, governmental and non-governmental organizations work together for providing the social services to the families. For instance, the Government of Pakistan has launched a number of contributory (Pension, Interest Free Loans, Business Loans etc.) and non-contributory (Zakat, Bait ul Maal, BISP etc.) schemes which aim to provide social services to families especially the disadvantaged and the marginalized.

Child care

109. Legislative framework adopted by Pakistan and child care services designed thereof are specifically targeted at poor families irrespective of any discrimination based on ethnic, sectarian, and regional divide. The initiatives taken by the Government of Pakistan are not only targeted to protect and improve the situation of children in the country but also to encourage family stability.

110. Article 11 of the Constitution of Pakistan prohibits slavery, and forced labour. Moreover, clause (2) of Article 11 states: "All forms of forced labour and traffic in human beings are prohibited" and clause (3) under Article 11 stipulates that "No child under 14 can work in a factory or a mine or any other hazardous employment." Article 25(1) of the Constitution enshrines the foundational concept of legal equality of citizens and holds that "all citizens are equal before law and are entitled to equal protection of law".

111. Article 25A, introduced in the Constitution through the 18th Amendment, has made free and compulsory education a basic human right. It states, "The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law."

112. Article 37 of the Constitution deals with the promotion of social justice and eradication of social evils. Section (e) of this article spells out; "The State shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment."

National Legislative structure

113. The Prevention and Control of Human Trafficking Ordinance (PACHTO), 2002 is applicable to all including children. This Ordinance suggests severe punishments (from 7 to 14 years of imprisonment) for perpetrators depending on the degree of involvement in trafficking. In case of involvement of criminal groups or even parents, all are equally liable to the same punishment. Under this Ordinance, all offences are cognizable, non-bailable, and non-compoundable. Considering the severity involved in subject matter, Federal Investigation Agency (FIA) has specifically established Anti Trafficking Unit (ATU) at FIA headquarter to deal all matters pertaining to human trafficking more efficiently. Moreover, to ensure the countrywide outreach and to broaden the scope of activities, sub units of ATU have also been established in all Zonal Directorates of FIA at Karachi, Lahore, Rawalpindi, Peshawar and Quetta. The FIA ensures effective monitoring to improve quantity and quality of the anti-human trafficking activities under PACHTO.

114. Juvenile Justice System Ordinance (JJSO) 2000 provides protection to children involved in criminal litigation. The law provides for various protective measures for the children including the provision that there cannot be a joint trial of an adult and a child. Law further places restriction to publish proceedings of the case involving children. Degrading punishments such as death, handcuffing, or any other corporal punishment shall not be awarded to the children, according to this ordinance.

115. The implementation of JJSO is lengthy and requires adequate resources. For instance, the process of establishment of Juvenile Courts and Borstal Institutions, provision of free legal assistance to juvenile offenders, training of all staff of criminal justice system including police, judiciary and prison staff requires huge human and financial resources. Nonetheless, in the given circumstances, Government of Pakistan has been striving hard to implement the JJSO in letter and spirit. For that reason, juvenile courts have been established in various districts Training of staff dealing with juveniles is carried out by relevant governmental, non-governmental and development organizations. Furthermore, Borstal Jails (Institutions) are being established and wherever these are not available, separate barracks for children under the age of 18 have been established as an alternative institutional arrangement to keep children separate from hardened criminals in jails.

116. The Bonded Labour System (Abolition) Act, 1992 clearly defines Peshgi (advance), bonded debt, bonded labour, bonded labourer, nominal wages etc. and abolishes the bonded labour system with immediate effect. Furthermore, this Act not only prohibits forced labour under any condition but also declares all customs, traditions or such contracts null and void. For implementation and enforcement of the laws on bonded labour, the provincial Home Departments are principally responsible. This Act and its rules (1995) have a provision for the constitution of District Vigilance Committees to advise the District Administration on effective implementation of the laws and to rehabilitate the freed bonded labourers. Moreover, the provincial governments are responsible to send the implementation reports on the enforcement of the bonded labour laws regularly. This helps in developing more effective implementation strategy and evaluation mechanism.

117. Employment of Children Act (ECA), 1991 prohibits the employment of children in certain occupations and regulates the working conditions for children. Hazardous processes were identified and subsequently notified in December 2005 to become part of the Employment of Children Act, 1991. To ensure the comprehensive implementation of the Act, Labour inspectors are appointed by the provincial governments to inspect factories and workshops under the ECA.

118. As of year 2011, Punjab had a total strength of 83 Labour Inspectors, 127 Assistant Directors and Deputy Directors responsible to conduct inspections under the ECA. Likewise, Khyber Pakhtunkhwa and Balochistan had 32 and 10 Labour Inspectors respectively. It is worth mentioning that there are administrative and operational limitations in the work of labour Inspectors which need to be overcome for effective implementation of ECA and for combating child labour in the country.

119. Child labour inspection mechanism is comparably active in Punjab where there is an effective monitoring/implementation of ECA. Nonetheless, the rest of the provinces, especially Balochistan need to be vigilant for the implementation of ECA in letter and spirit. Provincial governments have fully realized this deficiency and have chalked out strategies in collaboration with civil society organizations.

National Plan of Action to combat child labour

120. Before the 18th Constitutional Amendment, the National Commission for Child Welfare and Development (NCCWD) was spearheading the child protection and child care issues at federal level. The NCCWD started a nationwide consultation in 2004 and

ultimately a National Plan of Action for Children was approved by the cabinet on 24th May, 2006. It was an ambitious plan which set goals for an all-encompassing child protection strategy.

121. The salient goals of this plan included reducing infant mortality, reducing malnutrition, provision of safe water, improving sanitation conditions, provision of adolescent reproductive health services, improving children enrollment and reducing dropout rates in schools, and protecting children from abuse, violence, exploitation, and crime. Furthermore, this plan expounded "National Child Policy" that ought to be aligned with the UNCRC. Additionally, the Government of Pakistan has launched a National Plan of Action to accelerate education-related MDGs (2013-16). This plan suggests a well-coordinated implementation mechanism which tailors a model of concerted efforts between various stakeholders including federal government, provincial governments, line departments, international partners, private sector and civil society organizations. This plan is extended to the entire country whereby it covers the all provinces, Federally Administrated Tribal Areas and Islamabad Capital Territory.

Provincial legislative structure

122. As a result of 18th Constitutional Amendment, the subject of child has been devolved to provinces. Efforts at the federal level are now mirrored by similar efforts at the level of provinces. All the provinces have adopted a child care and protection legislative mechanism as presented below:

123. The Punjab Government has put in place a child protection mechanism through the Punjab Destitute and Neglected Children Act, 2004. This act has been articulated to consolidate the law for the rescue, protective custody, care and rehabilitation of destitute and neglected children in Punjab other than those involved in criminal litigation. Child Protection and Welfare Bureau (CPWB) was established as result of interpretation of the said Act which is an effective legal framework aligned with the UNCRC. Details of CPWB are given in the proceeding part of this report.

124. In the Sindh province, the Sindh Child Protection Authority Act, 2011 has been enacted. This Act is expedient to provide for the establishment of Sindh Child Protection Authority (SCPA) to ensure the rights of the children in need of special protection. Among SCPA other functions, the SCPA envisages to coordinate, monitor, and support the child protection SCPA services at provincial and district levels. Furthermore, it will develop SOPs for all institutions/services related to children; like, educational institutions, orphanages, shelter homes, juveniles, and hospitals.

125. In accordance with the Sindh Child Protection Authority Act, 2011, the Government of Sindh has notified the SPCA on 21st November, 2014. Furthermore, a big complex is being built to house the offices of the SCPA which will provide residential, educational and training skills development facilities. Establishment and working of SPCA will help combat child labour in the province and improve the child protection services across Sindh.

126. The Government of KPK has promulgated Child Welfare and Protection Act, 2010 which envisions providing care, protection, maintenance, welfare, training, education, rehabilitation and reintegration of children at risk in the Khyber Pakhtunkhwa. Under the umbrella of this Act, the Government of KPK has established Child Protection and Welfare Commission (CPWC) in Social Welfare, Special Education and Women Empowerment Department. The responsibilities of this commission include the safety, welfare and well-being of children, monitoring procedures for child employment, preventing exploitative child labour practices, and improving child enrolment.

127. The CPWC is working across the province in 12 districts where it has established Child Protection Units (CPUs) with adequate logistic and human resource strength. Each

CPU extends child protection services up to tehsil and union council level/villages with the help of local representatives. The consolidated data of all CPUs indicate that between May 01, 2011 Jan 23, 2015, 22,728 cases of child protection have been registered. Out of these, 19,348 cases have been provided child protection services and have been rehabilitated. Furthermore, out of total registered cases (22,728), 3,034 cases are in progress whereas only 346 cases could not be closed successfully. This progress indicate that Child Welfare and Protection Act, 2010 is implemented in its true sense by the CPWC.

128. Balochistan Government has drafted a provincial child protection policy in line with the National Child Protection Policy. The draft policy is with the Law Department for approval. On practical grounds, under ILO-IPEC project, a Provincial Coordination Committee on Child Labour has been established which gives policy advice on child labour issues. Furthermore, a Child Labour Unit has also been established in the Labour Directorate, Balochistan. Although Balochistan is in the process of legal and programmatic development for child care, it needs concerted efforts for outreach to distant areas of the province.

Programs and services for child care

129. Child Protection & Welfare Bureau (CPWB) is an autonomous body of the Government of the Punjab. It has been mandated to protect and rehabilitate destitute and neglected children through provision of an environment which maximizes opportunities for childhood development and promotes access to education, health care, and psychological wellbeing. CPWB is currently delivering child protection services in seven districts of the province including Lahore, Gujranwala, Sialkot, Rawalpindi, Multan, Faisalabad, and Dera Ghazi Khan. Since its inception, 39,270 destitute and neglected children have been facilitated by the Bureau in six years. The CPWB provides rescue, protective, and rehabilitative services to the destitute and neglected children in the province.

130. Social Welfare and Bait ul Maal Department (SW & BM) Punjab work to protect the rights of children. The programs offered by this department include establishment of i) six Mother and Child Care Homes (Darul Falah); ii) five Daycare Centers (Ghuncha); iii) eight Centers for lost and kidnapped children (Negheban); and iv) an Abandoned Babies and Destitute Children Home (Gehwara) in Lahore.

131. The Provincial Child Labor Unit (PCLU), Punjab has been established in the Labor and Human Resource Department in Punjab to primarily deal with child labour issues. The PCLU has active support of the Project Combating Abusive Child Labor-II of the International Labor Organization and European Union.

132. As a provincial counterpart of National Commission for Child Welfare & Development (NCCWD), Provincial Commission for Child Welfare and Development (PCCWD) has been functioning as a unit of Social Welfare Department, Government of Sindh. Objectives of the PCCWD include i) coordinating public private partnerships for child welfare; ii) dealing with child abuse cases and suggest the remedial measures; iii) organizing workshops, seminars and trainings for the promotion, propagation and awareness of the child rights; and iv) strengthening strengthen the associations working for the welfare and development of children.

Rights of older persons

133. The number of older people in Pakistan is steadily increasing. The country will have 22.07 million senior citizens in the year 2030. Considering this pace of growing elderly population, the Government of Pakistan has taken legislative and programmatic practical measures for welfare and protection of old age persons. In 1972, Employees' Old Age Pension Ordinance (Ordinance X of 1972) was introduced whereby social security was

incorporated in private sector. This legislation marked the Government's desire to introduce social security plan for the workers employed in private sectors. Under this Ordinance, pension was to be paid to the worker at the age of superannuation while the social security contributions were to be paid by employer. Later on the law was replaced with Employees Old-Age Benefits Ordinance (XXVI of 1975). In order to address the changing needs and international commitments of the country, the law was progressively amended with latest amendment made through Finance Act, 2005.

134. The Pakistan National Center on Aging was inaugurated as a step toward the protection of older people in the capital territory. The Islamabad Capital Territory Senior Citizens Welfare Bill 2013 draft has made the following provisions: (1) provisions of shelter houses on nominal charges only for senior citizens; (2) provision of health services with nursing facilities; (3) concessions in travelling by bus, train and air, especially within Pakistan; (4) provision of legal services and security; (5) provision of pension credits; and (6) provision of free admission to national exhibitions (especially concerning books, museums, parks, art galleries).

Provincial efforts for Realization of Senior Citizens' rights

135. Of late, provincial governments have initiated integrated efforts to ensure the rights of senior citizens in respective provinces. The provincial efforts mirror the national available legal and operational interventions. Primarily, the provincial governments are making their own legal frameworks for the protection of the rights of senior citizens. A brief description of provincial efforts for the welfare of senior citizens is given as follows:

136. Government of KPK has introduced first of its kind reform package for senior citizens by promulgating Khyber Pakhtunkhwa Senior Citizen Act, 2014. This Act is geared towards introducing interventions to ensure the welfare of the older persons in the province. Among other facilities under this Act, people over the age of 60 years will be entitled for free travel in public transport, free medical treatment, free entry pass to parks, libraries, and other such public places. Furthermore, older citizens will be registered with the provincial government of KPK. Needy older citizens will be entitled to a monthly stipend of Rs.6,000.

137. Likewise, Government of the Punjab has drafted "Punjab Senior Citizens Ordinance, 2013" which will come into force after its approval from the competent forum. This Ordinance aims to extend welfare and rehabilitative services to the senior citizens of the Punjab province in addition to the other services already extended.

138. The Government of Sindh is also set to form a forum for the welfare and well-being of senior citizens. In this regard, Sindh Senior Citizens Welfare Bill, 2014 has been introduced in the house for making it a law. This bill proposes that a person will be punishable who leaves a senior citizen with an intention to wholly abandoning him/her. Furthermore, this bill envisages setting up of a senior citizens council to take care of rights of the older people – ranging from medical assistance, psychological counseling to social inclusion of older persons. Sindh High Court decision of giving preference to the cases of senior citizens reinforces the commitment of provincial government towards full realization of the senior citizens' rights.

139. In case of Balochistan province, a joint resolution No. 54 has been tabled for enacting a law for the welfare and well-being of senior citizens. The resolution asserts that senior citizens are assets for Pakistan. They should be entitled to special facilities. Law making for the welfare of senior citizens is in process in the province which will be soon promulgated. It will extend full realization of the rights of senior persons.

140. Along with the legal provisions to protect the older peoples' rights in the country, the public and private sectors have come forward by launching various welfare and rehabilitation programs for senior citizens.

141. Social Welfare Department, Punjab is running Old Age Home (Afiyat) at Lahore whereas, Pakistan Bait ul Mal has established Great Homes at each provincial/regional headquarter (Islamabad, Karachi, Peshawar, and Quetta) with the capacity of 50 senior citizens in each home. Along with this, philanthropists and non-governmental organizations have also been proactively contributing towards ensuring the rights of older citizens. In this regard, Edhi Foundation Old Homes, Happy Homes (Lahore), The Senior Citizens Foundation (Lahore), Senior Citizens Welfare Program Pakistan etc. have been providing welfare and rehabilitative services to the older people in Pakistan.

Maternity benefits

142. Article 37 of the Constitution requires the state to ensure maternity benefits for women in employment. Pakistan has four different laws that cover the issue of maternity and its related benefits. These laws are i) The Mines Maternity Benefits Act, 1941; ii) The West Pakistan Maternity Benefit Ordinance, 1958; iii) The Provincial Employees Social Security Ordinance, 1965; and iv) The Civil Servants Act, 1973 (Revised Leave Rules, 1980)

143. West Pakistan Maternity Benefits Ordinance, 1958 is a cardinal legal document which extends to the whole of Pakistan (Section 1) and is applicable to all commercial and industrial establishments and factories as defined under Factories Act, 1934. As per the provisions of this Ordinance, "a woman working in any establishment is entitled to paid leave for a period of six weeks immediately preceding and including the days on which she delivers the child and for each day of six weeks succeeding that day". Moreover in case of death of woman during pregnancy or delivery, employer is legally bound to pay the money to the legal representative of deceased. For the better health and safety of mother and the child, the legislation also prohibits the employment of women for period of six weeks following the date of delivery.

144. Provincial Employees Social Security Ordinance, 1965 expressly prohibits the dismissal, discharging, reducing or otherwise punishing female employees during pregnancy. The law also provides for swift settlement of any dispute arising out of this provision.

145. The Civil Servants Act 1973 and Revised Leave Rules 1981 deal with civil servants. Revised Leave Rules 1981 entitles a female civil servant for 90 days leave during and after pregnancy. Maternity benefits may also be provided under Provincial Employees Social Security Ordinance 1965 if contributions were paid to the social security institution for at least six months in the preceding 12 months. As an exception, the maternity benefits to women in mines are covered under The Mines Maternity Benefits Act 1941.

146. With regard to safe and healthy conditions at work place, Section 3 of the Factories Act, 1934 requires every establishment of more than 50 women to have a separate space for mothers with children less than six years of age. Female workers are also entitled to medical care during pregnancy under Provincial Employees Social Security Ordinance, 1965.

147. Government of Punjab has recently amended Revised Service Rules, 1981 to grant the paternity leave of seven days to male civil servants immediately on or after delivery. While the state's renewed commitment towards maternal and natal health care services are expected to bear progress, the advocacy measures taken by the international development partners have complemented the efforts.

Leave rules

148. In addition to the above rules, there are general leave rules which benefit both males and females. The government employees in Pakistan are entitled to several types of leaves under the legal provisions of Revised Leave Rules, 1980. These rules are applicable to everyone irrespective of any discrimination of class, status, or gender of the employee. Government employees can benefit from these rules. They can avail with pay, medical leave, study leave, maternity leave, earned leave, recreation leave, disability leave, Hajj and Umra leave, ex-Pakistan leave etc. The terms and conditions for each study leave are explicitly described in the said leave rules. Accordingly, these rules also govern the case of leave without pay. For instance, extraordinary leave will be granted to government employees without pay, under the given terms and conditions.

149. In case of non-government workers, Factories Act, 1934 entitles every worker for a period of fourteen consecutive days if he/she has completed a period of twelve months. Additionally, this Act provides that every worker is entitled to 10 days casual leave with full pay and further 16 days sick or medical leave on half pay. Moreover, under the section 49 of the Factories Act, 1934, all workers are entitled to all festival holidays with full pay. Under agreement made with Collective Bargaining Agent, employees who precede on pilgrimage i.e. Hajj, Umra, Ziarat are entitled to special leaves up to 60 days.

150. Granting of different types of leave to the public as well as private sector employees implies that efforts have been made to reconcile employees'/workers' professional, family and personal life.

Domestic violence/violence against women

151. Domestic Violence (Prevention & Protection) Act, 2012 is a pioneer attempt to criminalize domestic violence against women, children and other vulnerable people within a domestic relationship. The Act comprehensively operationalizes the concept of domestic violence and includes the act of negligence and abandonment. It seeks to provide the victims of domestic violence with the maximum state support including shelter, medical establishments etc. Not only providing elaborate legal remedy to the victims of domestic violence, the Act requires the government to form Protection Committee at tehsil level to create awareness and implement the law.

152. The Protection against Harassment of Women at the Workplace Act 2010 is promulgated to protect women at workplace. The act criminalizes the act of harassment and suggests punishment for the offenders with strict enforcement mechanisms.

153. Prevention of Anti Women Practices Act 2011 (Criminal Law (Third Amendment) Act 2011) is one of the most important developments in the legislative terrain of the country. A significant number of acts of domestic violence somehow arise from forced marriage arrangements. In this regard, this Act aims to put an end to obsolete customary practices like badla-e-sulha, wanni and swara, forced marriages, marriage with "Quran" and depriving women from right to inheritance. This Act specifically criminalizes such cultural norms and seeks to protect women from exploitation. Perhaps the most important feature of this law is to favorably win the debate of justifying discrimination with cultural norms.

154. The passage of this legislation through National Assembly is not only the biggest success for advocates of women's rights but simultaneously it shows that there is full support by the elected representatives and leaders of the country for efforts to address the crimes committed against women under the guise of "customary practices". This piece of legislation is a step forward towards social prohibition and repulsion of these abhorrent crimes. The major issue with the implementation of this legislation is the lack of awareness among masses, particularly among women. In this regard, government and non-government

organizations need to raise awareness and advocacy for eradication of anti-women practices whether in the name of honor, customs, values or religion etc.

155. Criminal Law (Second Amendment) Act 2011 commonly known as Acid Control and Acid Crime Prevention Law has been enacted whereby the act of throwing of acids or other corrosive substances over the victim is punishable with death or life imprisonment.

156. The Protection of Women Act (Criminal Laws Amendments), 2006 addressed the issues of kidnapping, abducting, and forced marriage of women by suggesting a life imprisonment for the offenders. The Act categorizes adultery and rape, as separate offences and abolishes the death penalty and flogging as punishments for these crimes. Under the provisions of this legislation, these acts are bailable offences. As per provisions of this Act, police is not entitled to detain the persons accused of sex outside marriage and a formal accusation is to be made before the court. The Act also criminalizes buying and selling of persons for prostitution with an imprisonment of 25 years.

157. National Commission on the Status of Women (NCSW) conducted a research study to assess the implementation of the Protection of Women Act (PWA) 2006. The key findings of the research study revealed that the overall impact of PWA 2006 was extremely positive. The law has effectively stopped the misuse of the Zina Ordinance. It has provided tremendous relief to women from the persistent accusation of adultery and the abuse of power in backdrop of patriarchal mindset of families, state institutions including police and judiciary. Moreover, the study revealed that after the passage of this Act, the false accusations of zina against women has dramatically dropped. Criminal Law (Amendment Act), 2010 provides for protection against insulting of modesty or sexual harassment. The Act states that any gesture, sound, or object which intrudes upon the privacy of women and any sexual advances, demanding sexual favours, and creating a hostile working environment for women are criminal offences. Any person found guilty of committing these offences shall be sent to imprisonment which may extend to three years or a fine of Rs.500,000/- or both.

158. Domestic Violence (Protection and Prevention) Act 2013, Sindh Province was assented to by the Governor of Sindh on 12th March, 2013. It is published as an Act of the Legislature of Sindh to make provisions for protection against domestic violence. Besides provisions criminalizing domestic violence, the Act stresses that the Government officers, the police and the members of the judicial service are given periodic sensitization and awareness training on the issues addressed by this Act. It further provides for formulation of effective protocols dealing with health, education, employment, law, and social welfare to address the issue of domestic violence and that the same are periodically revised.

Human trafficking[4]

159. In order to tackle the menace of human trafficking and to meet the international commitments, Government of Pakistan has enacted Prevention and Control of Human Trafficking Ordinance (PACHTO) 2002 which for the first time in the country criminalizes human trafficking in legal terms. Besides lucidly defining the offence of trafficking in persons, the ordinance describes any act of human trafficking as cognizable, non-bailable and non-compoundable offence.

160. Government of Pakistan is very keen towards the enforcement of the provisions of this ordinance. High level committees have been setup to ensure implementation and to monitor progress. In this connection, two inter-ministerial committees headed by Minister

[4] Data regarding human trafficking has been retrieved from the website of Federal Investigation Agency (FIA): http://www.fia.gov.pk.

for Interior and Secretary Ministry of Interior have been formed for policy making and inter-agency coordination respectively. A national subcommittee has also been formed which is responsible to oversee and implement the strategic and tactical decisions taken by the National Inter-ministerial Committee headed by the Minister for Interior. For execution of the tasks and prompt implementation of the decisions, a Steering Committee has been established headed by Additional Secretary, Ministry of Interior. Realizing the nature of human trafficking offences as transcending the boundaries of various institutions, an Inter-Agency Task Force has been constituted.

161. To register cases under the Ordinance, Anti-Trafficking Units have been established in all zonal headquarters. For effective coordination between the units, a central Monitoring and Coordination Cell has also been established at the headquarters. Other than these purely administrative measures, training of law enforcement officers is also an integral part of the process.

Reported human trafficking cases

162. Federal Investigation Agency (FIA) arrested 1,779 human traffickers in 2010 whereas 1,755 human traffickers were arrested in 2009 and 1,642 in 2008. A total of 15,266 cases were filed in 2008, 13,581 in 2009 and 11,370 in 2010, out of which 4,841 cases ended with convictions in 2008, 4,472 in 2009 and 3,377 in 2010.

163. The Government of Pakistan has adopted a National Action Plan for Combating Human Trafficking which aims at concerted efforts with all stakeholders to address the problem of human trafficking. According to the National Action Plan, coordination of the aforementioned activities revolve around National Coordinator whose functions include i) provision of information to relevant authorities for effective implementation of said ordinance; ii) liaison and coordination with different stakeholders; iii) supervision of the anti-trafficking units; iv) provision of adequate support resources; and v) maintaining contacts with international donors.

164. The Government of Pakistan is taking concrete steps for the comprehensive assistance to the victims of human trafficking. For that purpose, FIA is establishing shelters for the protection and other needs of the trafficking victims. These shelters aim to provide safe accommodation, access to independent advice, medical health, rehabilitation from trauma, and maintenance of confidentiality, privacy and security of the victims. Furthermore, Government seeks to provide maximum protection of identity to the victims during the trial. Particulars of persons are kept confidential. For the same reason, law enforcement officials have been apprised of the sensitivity of the matter and are strictly directed not to maltreat the victims.

Article 11: Right to adequate standard of living

(a) The right to the continuous improvement of living conditions

165. Article 38 of the Constitution of Pakistan focuses on the promotion of social and economic well-being of the people. In this regard, Article 38 (a) states that the state shall "secure well-being of the people irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants".

166. Measuring poverty with suitable criteria has always been challenging in Pakistan as well as across the world. Certain measures including per capita income, and calories consumed per day exist to fathom the depth of country's poverty but the Finance Division

of Government of Pakistan uses the "population below $ 1.25 per day"[5] as the cut-off point for determining national poverty. This yardstick helps define the poverty line in Pakistan. Anybody having an earning of less than $1.25 per day has been classified as poor.

167. Human Development Index (HDI) value for Pakistan in 2012 was 0.515 which ranks it at low human development category, whereby country positions at 146 out of 187 countries. Human Development Report 2013 gives a satisfactory picture of Pakistan in terms of human development. Data reveals that there has been an increasing trend in HDI value, increasing from 0.337 in 1980 to 0.515 in 2012, though relatively the country is experiencing slippage in the comity of nations. Of course within its own boundaries, Pakistan has made significant improvement in all three indicators. For example, life expectancy at birth has increased from 57.9 (1980) to 65.7 in 2012. Likewise, there has been tremendous improvement in the mean years of schooling from only 1.8 in 1980 to 4.9 in 2012. Similarly, GNI per capita increased from 1,320 in 1980 to 2,566 in 2012 (Table 3).

Table 3
HDI trends in Pakistan

Year	*Life expectancy at birth*	*Expected years of schooling*	*Mean years of schooling*	*GNI per capita (2005 PPPS)*	*HDI value*
1980	57.9	3.6	1.8	1,320	0.337
1985	59.4	4.2	2.1	1,543	0.367
1990	60.7	4.4	2.3	1,689	0.383
1995	62	4.4	2.8	1,795	0.403
2000	63.1	4.4	3.3	1,826	0.419
2005	64.1	6.5	4.5	2,190	0.485
2010	65.2	7.3	4.9	2,505	0.512
2011	65.4	7.3	4.9	2,526	0.513
2012	65.7	7.3	4.9	2,566	0.515

Source: Human Development Report 2013.

168. Pakistan has been facing serious economic and political challenges. These challenges have been on both fronts; domestic and external. For instance, global financial crisis hit the country during 2007-08 when it was already facing hike in the food and oil prices. It resulted in high level of inflation, reaching to 20 percent in financial year 2008-09. The deteriorating law and order situation in the country and domestic cost of fighting terrorism badly affected the economy. The catastrophic floods affected approximately more than 20 million people, damaged infrastructure and agriculture of the country, and led to the Temporarily Dislocated Persons (TDPs) in Pakistan. All these factors pushed the government to focus on the rehabilitative and rescue measures instead of development programs.

169. Despite the adverse circumstances and multidimensional challenges, the Government of Pakistan is fully committed toward poverty eradication. In this regard, Government has taken many policy and operational level initiatives to eradicate extremes of hunger and poverty and cut it half (from 26 to 13) between 1990 and 2015 (MDG 1).

[5] Economic Survey of Pakistan, 2010-2011 (pp. 165); Ministry of Finance, Government of Pakistan.

Measures to combat poverty

170. The Government of Pakistan has taken initiatives to combat poverty keeping in view the realization of economic, social and cultural rights of citizens of Pakistan. These measures are guided by targeted line of action and well-tailored implementation and monitoring mechanisms.

171. Pakistan established Poverty Reduction Strategy Paper (PRSP) in 2002. First formal PRSP (PRSP-I) was completed in December 2003 with an aim to be implemented between 2004 and 2006. The program comprised four pillars which included i) achieving rapid and broader economic growth; ii) improving governance; iii) investing in human capital; and iv) targeting poor and vulnerable for reducing inequalities. PRSP-I made substantial progress towards achieving its goals. For instance, Pakistan Social and Living Standards Measurement Survey (PSLM) showed that there was a significant decrease in the poverty headcount ratio from 35 percent in 2000-01 to 22 percent in 2005-06 (Figure 5).[6] During the same period, there was a significant improvement witnessed in the human and social development of Pakistan. In this regard, HDI value for Pakistan increased from 0.419 in 2000 to 0.485 in 2005 (Figure 6).

Figure 5

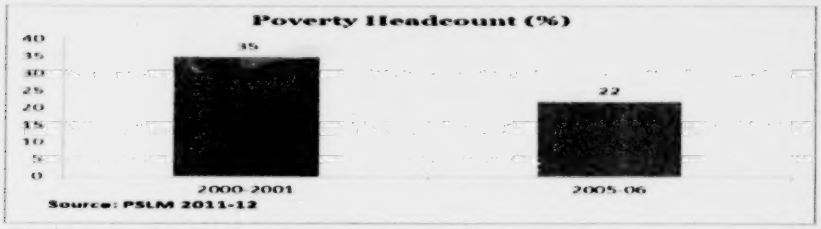
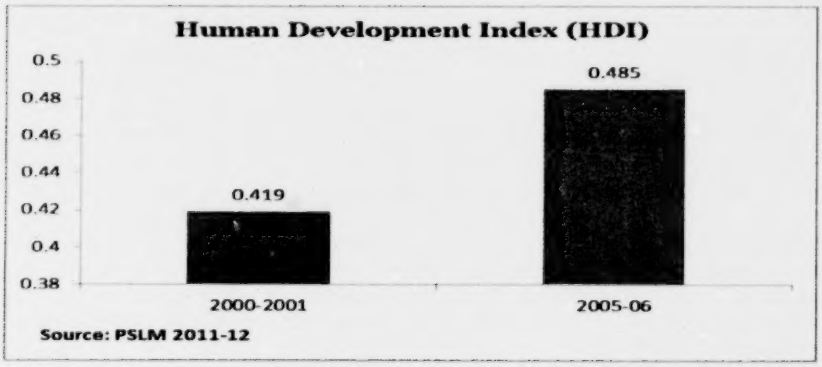


Figure 6



172. The second PRSP (PRSP-II) 2008-09 to 2010-11 was finalized on the basis of feedback of PRSP-I. The poverty reduction strategy comprised nine pillars which include: i) Macroeconomic Stability and Real Sector Growth, ii) Protecting the Poor and the Vulnerable, iii) Increasing Productivity and Value Addition in Agriculture, iv) Integrated

[6] Pakistan Social and Living Standard Measurement Survey, Federal Bureau of Statistics, Government of Pakistan.

Energy Development Programme, v) Making Industry Internationally Competitive, vi) Human Development for the 21st Century, vii) Removing Infrastructure Bottlenecks through Public Private Partnerships, viii) Capital and Finance for Development, and ix) Governance for a Just and Fair System. In order to ensure the implementation of these measures and track progress, Ministry of Finance and the UNDP Pakistan jointly initiated Strengthening Poverty Reduction Strategy Monitoring Project (SPRSMP) in 2008. This project aimed to strengthen institutional capacities for results-based monitoring and evaluation of poverty reduction strategies at Federal and Provincial levels. The SPRSMP was housed in the Finance Division at Federal level and its provincial offices were established in the Planning & Development Departments at Punjab, Khyber Pakhtunkhwa, and Balochistan. This project helped in the implementation of PRSP and provided assessment of policies and program relevant to PRSP with a particular focus on gender and women's empowerment. This assessment was based on the impact analysis and various research studies conducted by the SPRSMP Programme.

173. Provincial budgets were analyzed through gender lens. A range of recommendations were made to the provincial governments which subsequently changed the focus of budgetary allocations and provincial governments attempted to present gender sensitive budgets. It is obvious that bloc allocations were made for women development programs in the provincial Annual Development Plan (ADP).

174. National Rural Support Program (NRSP) was established in 1991 as a non-profit organization. Its mandate was to alleviate poverty by harnessing people's potential and undertake development activities in Pakistan. It has presence in 56 Districts in all the four provinces including Azad Jammu and Kashmir through Regional Offices and Field Offices. NRSP is working with more than 2.3 million poor households organized into a network of more than 155,427 Community Organizations. With sustained incremental growth, it is emerging as Pakistan's leading engine for poverty reduction and rural development.

175. The NRSP has been keen to improve its scope of work and to maintain improved standards. For this reason, NRSP has put in place various monitoring and evaluation mechanisms. For instance, to measure the effectiveness of the work of this programme, NRSP's monitoring and evaluation unit has carried out various village level studies. These studies not only help to monitor the scope of work but also help to improve the quality of work of NRSP. Furthermore, NRSP has deployed international consultants to review and analyze the outcomes of the programme with respect to the envisaged goals. Findings of these studies suggest that beneficiaries of this programme have been able to increase their living standards and quality of life. For identifying the gray areas in the programme activities and achieving the highest standards of excellence, NRSP plans to request a third party such as World Bank for evaluation of the entire programme throughout the country. It will certainly help improve the quality and scope of this programme.

176. Pakistan Poverty Alleviation Fund (PPAF) is the leading agency for poverty reduction in Pakistan embedded in the concept of public-private partnership. PPAF was established in 1997 by the Government of Pakistan as an autonomous non-profit organization. It has a network of more than 100 partner organization across the country which helps it to deliver a range of development interventions at grass root level with the prime objective of combating poverty. The major initiatives of PPAF include social mobilization, livelihood support, access to credit, infrastructure and energy, health, education, and disaster management. PPAF annual report 2012 states that funding for relief, rehabilitation and reconstruction in disaster affected areas was doubled over the preceding year which crossed an amount of Rs.1,000 million. During the same period, lending for microcredit increased from Rs.11,000 million to more than Rs.13,000 million, with

20 percent increase with respect to the previous year. PPAF managed to ensure 100 percent recovery rate whereby among borrowers, majority of them being women (62 percent).[7]

177. PPAF disbursed funds in urban and rural areas of 129 districts of the country. It covered 297,000 community organizations through 112 partner organizations. The focus of PPAF's activities remained predominantly on women empowerment. It is pertinent to mention that since its inception, PPAF has financed 5.4 million micro loans. As a result of the multidimensional approach of PPAF, 27,417 projects in different sectors including physical infrastructure, health and education have been completed. Additionally, more than 488,000 community members have also been trained in different sectors with the help of community organizations across the country. Future planning of the PPAF targets to extend one million micro loans to implement 3,500 small scale water and infrastructure schemes. In doing so, 25,000 new community organizations, 300 deserving families, and approximately 150,000 community members will be benefitting.

178. During the previous decade, there has been a mushroom growth of banking sector and microfinance institutions. Concomitantly, a number of Microfinance Providers (MFPs) have linked up with various banking systems to expand microfinance services. The substantial growth of microfinance has enabled it to become an integral part of financial system of Pakistan.

179. Given the context of tight liquidity conditions and spiraling inflation, it became difficult for microfinance institutions to maintain smooth running. In this regard, Government of Pakistan has started its microfinance initiative and is providing liquidity to various microfinance institutions. This strategy has strengthened the public-private partnership in the field of microfinance.

180. There is a list of public private partnership in the field of microfinance between government and MFPs, RSPs, and others NGOs/CBOs. This partnership has resulted in millions of beneficiaries of micro-credits. Data from Pakistan Economic Survey 2013-14 showed that among a list of Microfinance Institutions (MFIs), Kashf Foundation has 324,139 active borrowers with disbursements of Rs.1,707 million. Likewise, Akhuwat has 200,930 active borrowers with Rs.1,134 million disbursements, ASA-Pakistan with 179,588 borrowers with Rs.948 disbursements. Overall there are 883,566 active borrowers of MFIs in Pakistan with a total of Rs.10,894 million outstanding loan portfolio and disbursement of Rs.4,735 million.

181. In case of RSPs, NRSP leaded in microfinance scheme with a total of 452,093 active borrowers, Rs.6,479 million outstanding loans portfolio, and 3,151 million disbursements. Followed by it, PRSP, SRSP, and SRSP have 75,656, 48,053, and 3,822 active borrowers respectively. Furthermore, due to an enabling environment provided by the federal/provincial governments, the NGOs/CBOs are also extending and expending their services in the field of microfinance. Overall, there are 160,183 active borrowers on the role of others, i.e. NGOs/CBOs. Independents reports from both national and international organizations have concluded that the public private partnership in the microfinance have significantly reduced poverty by increasing the means of livelihood of poor people.

182. Ministry of Industries, Production & Special Initiatives, Government of Pakistan launched SME policy in the year 2007. This policy aims to provide "short medium and long-term framework with an implementation mechanism for achieving higher economic growth based on SME led private sector development". Furthermore, it suggests special policy measures in business environment, access to finance, human resource development and support for technology up-gradation and marketing. All these measures together serve

[7] Pakistan Poverty Alleviation Fund, Annual Report, 2012.

to address the issue of poverty at grass root level by providing opportunities for entrepreneurship and employment.

183. In order to ensure minimum subsistence to the poorest segment of society, Benazir Income Support Program (BISP) has provided relief and rehabilitation to 5.25 million people with a total cost of Rs.209.45 billion up to June 2014 since its inception in October 2008. Additionally, Peoples' Work Programme (I&II) covers small development schemes in impoverished areas for provision of infrastructure including electricity, gas, roads, telephone, education, health, water supply, sanitation and other such facilities. Since its inception, it has utilized Rs.137.249 billion for improving the living conditions of the poor thus helping in poverty reduction.

(b) The right to adequate food

184. The Constitution of Pakistan safeguards the right to adequate food for each citizen. In this regard, Article 38(d) suggests that State Parties shall "provide basic necessities of life, such as food, clothing, housing, education, and medical relief for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment." In pursuance of the dictates of the Constitution, both federal and provincial governments have developed elaborate mechanisms to provide adequate food at an affordable price to every citizen. Though government efforts are largely successful, some small segments of the society reportedly suffer from mal-nutrition and restricted access to quality food.

185. World food prices hike of 2007-08 created a global crisis which pushed millions of people into poverty and malnutrition. The global food crisis affected both developed and developing countries including Pakistan and caused political and economic instability and unrest. Food prices rose more than 40 percent globally during the year 2008 which was a matter of serious concern especially for developing countries. The Government statistics showed that the prices of essential food items increased by more than 35% from March, 2007 to March, 2008 (World Food Program, 2008).

186. In the given scenario of global food crisis, the Government of Pakistan adopted a number of remedial measures to control the food prices. Utility Stores Corporation (USC) was instructed to ensure sufficient supply of flour, edible oil, sugar, and other necessities on its outlets across the country. Furthermore the Government of Pakistan warned the wheat hoarders to offer wheat to the public sector procurement agencies; otherwise their stocks were directed to be confiscated. The Ministry of Food, Agriculture and Livestock worked proactively to ensure that the benefits of its various policies reach the public at large. With the policy and practical interventions in food, agriculture and livestock production, Pakistan steadily overcame the crisis by 2012.

187. According to National Nutrition Survey 2011, 28.4% of the population was food insecure without hunger, 19.8% was food insecure with moderate hunger and 9.8% was food insecure with severe hunger. The most vulnerable were children – particularly girls, women and the elderly, especially among the lower income groups. Moreover, it was found that rural households were more food insecure as compared to urban households.

188. National Nutritional Survey, 2011 provided a benchmark to the Government of Pakistan to establish Ministry of National Food Security and Research (MNFSR). Resultantly, MNFSR was established in October 2011 with a holistic target to address the issues of food insecurity in Pakistan. The major objectives of this Ministry include international liaison, research studies, policy formulation, economic coordination and planning in respect of food grain and agriculture. However, the ambit of this Ministry is not only restricted to the conceptual work but it also addresses the practical issues which include procurement of food grains, fertilizer, and import price stabilization of agriculture

produce. This Ministry has taken immediate actions to deal with the issues of food security in Pakistan. As a result of the dedicated work of this Ministry, an institutional infrastructure has been developed which entails every aspect of food security issues in Pakistan.

189. The MNFSR has prepared the draft of National Food and Nutrition Security Policy (NF&NSP) in September 2013. Keeping in view the findings of the National Nutritional Survey, 2011, the said policy aims to reduce the current food insecurity situation by 50 percent by 2030 and to bring down the poverty and food insecurity to zero level by 2050. The Ministry of National Food Security and Research has sent the draft of policy to all provinces and other stakeholders for feedback.

190. NF&NSP is driven by the four major policy features which include i) Sustainable Food Availability; to ensure availability of sufficient food through production, purchase and trade, ii) Economic and Physical Access to Food; emphasizes upon the peoples access to the required food in all times, iii) Food Utilization and Nutrition; focuses upon the appropriate food processing and storage techniques and adequate level of knowledge of nutrition and child care techniques, and iv) Stability in Food Supplies; refers to the stability of above three dimensions over time. It is the stability in food even during the adverse circumstances which may include adverse weather conditions, political instability, economic crisis and food security management during different disasters like floods, earthquakes, etc. Utility Store Corporation (USC) provides essential and other items of daily use to the public, especially the poorer segments of the society, at prices comparatively lower than the market. The USC has outreached to the entire Pakistan whereby it has sixty five (65) Regional Offices which are headed by Regional Managers and monitored/supervised by Ten Zonal Managers. A total of 5,711 stores were operational as on 20th September 2008. In order to ensure the equality of access to the disadvantaged and marginalized individuals and groups, the USC under a phased programme, is opening 5,000 new Utility Stores throughout the country. With the opening of these stores, all Districts and Tehsil Headquarters/Talukas and Union councils in the country will be covered.

191. In order to provide subsidized food to the masses, the Government of the Punjab initiated Punjab Food Support Scheme (PFSS) in 2008. Initially it was designed to provide food stamps to the poorest households but later on it has been converted into cash grant schemes. In this regard, Rs.1,000 per household are provided to the poorest households for meeting their food subsistence. Poor and needy households are identified with the help of local government officials, community volunteers and political appointees. Food subsidy is provided to the marginalized and disadvantaged people. These people include widows, orphans, destitute, chronically sick, disabled, elderly persons who have been abandoned by their families, and poorest of the poor segments of the society with marginal incomes. Since the inception of this scheme up to 2010, it has provided relief in the form of subsidy to about 1.00 million beneficiaries.

192. Massive increase in the urban population posed serious threats towards the food security especially for the poor in big cities. Keeping in view the situation, Government of the Punjab launched Punjab Sasti Roti (Affordable bread) initiative/scheme during September, 2008. On each of the 14,226 Tandoor outlets, Sasti Rooti priced @ Rs.2 only was provided during the year 2008-09 with a total cost of rupees 1.9 billion. The scope of this scheme was enhanced and Rs.8.00 million was allocated in the year 2009-10 (PRSP Annual Progress Report 2009-10).

193. Keeping in view the deteriorating food security in the country, Government of Pakistan has taken number of initiatives to provide food support to the vulnerable and disadvantaged people. In this regard, Benazir Income Support Program, Pakistan Bait ul Mal, Punjab Food Support scheme, Sasti Rooti Scheme and other informal stakeholders like philanthropists, donors, NGOs, CBOs have also been striving hard for the food support

of the vulnerable people and contributing substantially towards poverty alleviation. Details of each program have already been discussed in the previous part (Article 11-A) of this report.

Educational programmes about food sciences

194. Keeping in view the importance of agriculture and food science education, Government of Pakistan with the help of the Higher Education Commission has established Agriculture and Food Sciences Institutions in the leading Public Sector Universities. These institutions are paving way for the food security in Pakistan in the coming years.

195. A range of academic programmes are being offered which encompass multidimensional approaches towards agriculture production and food sciences. For instance, public sector universities offer undergraduate, graduate and post graduate programs which cover almost all aspects related to food production, transportation, preservation, and consumption.

196. Government of Pakistan has provided enabling environment to the international donors and Non-Governmental Organizations which are working on agriculture production and food education. They have been working to improve the level of agricultural efficiency and food security in Pakistan. Furthermore, Government of Pakistan with the help of national and international organizations, has launched awareness raising campaigns in the field of nutrition, food safety, hygiene and food security. For instance, World Food Program (WFP) launched by the United Nations took practical steps to stabilize and improve the nutritional and food security levels of the most affected and vulnerable population in the country.

197. Ministry of Education, Curriculum Wing, Islamabad, with the collaboration of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has been working on School Nutrition Programme aiming at the provision of good supplements for malnourished children, food as incentive to enhance enrollment and attendance, promotion of use of iodized salt and school feeding or school lunch programme for all students in schools.

198. Additionally, other Non-Governmental Organizations (NGOs) have not only been working to disseminate knowledge on principles of nutrition and healthy diets but they have also been trying to meet the challenges of food insecurity through provision of free or subsidized meals to the disadvantaged and marginalized segments of society.

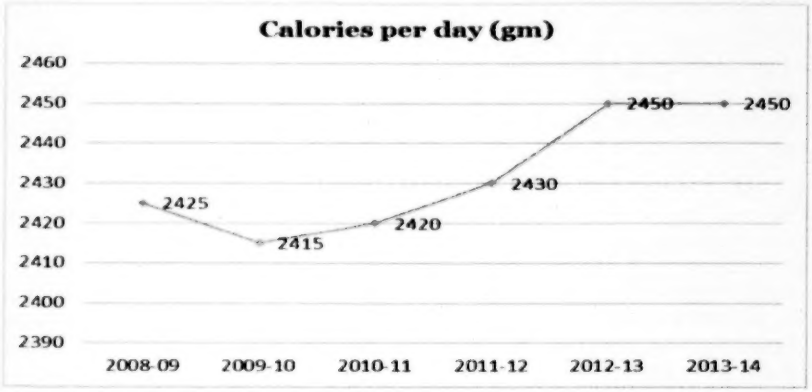
199. Government of Pakistan launched Lady Health Workers (LHWs) program in 1994. This program has direct relevance with MDGs 1, 4, 5, and 6 and indirect with and goal number 3 & 7. This country-wide initiative, with community participation, constitutes the main thrust of the extension of outreach health services to the rural population and urban slums communities through deployment of 105,086 LHWs covering more than 65% of the target population. Apart from other educational and training programs for the LHWs, they are trained in specialized fields which include Maternal Health, Nutrition, Family Planning, Child Health awareness all having relevance to the creation of awareness about nutrition, health and hygiene.

Food security in Pakistan

200. Agricultural production is the foundation of food availability, especially for calories and proteins. Adequate food supply at affordable prices is the cornerstone of food security policy of all nations of the world including Pakistan. Pakistan has made significant progress in terms of increasing supply of food items. Per capita availability of cereals increased from 137 kilograms in 1990-91 to 154 kilograms in 2008-9, more than 80% of which is accounted for by wheat alone.

201. Furthermore, the Government of Pakistan has tried to maintain the availability of 2,400 calories per person per day since early 1990s. Economic Survey of Pakistan 2012-13 showed that the availability of essential food items has been at adequate level to meet national food needs. The average calories estimation through food balance sheets in the year 2007-08 was 2,410 and it increased up to 2,450 in 2013-14 (Figure 7). In this regard, the average calories estimation during last six years remained above 2,400, i.e. 2,421.67 calories per capita per day.

Figure 7



Source: Economic Survey of Pakistan 2013-14.

Encouraging agriculture work

202. Agriculture is the key sector of Pakistan's economy which accounts for 21.4 percent of GDP and 45 percent of employment in Pakistan. Keeping in view the importance of agriculture, the Government of Pakistan has launched sectoral development programs to revitalize the agrarian economy.

Punjab Chief Minister's green tractor scheme – 2012-2013

203. Under Green Tractor Scheme, the process of providing 10 thousand tractors to the farmers has been completed through transparent computerized balloting. During the process, 10 thousand tractors, along with a subsidy of two lakh rupees each, have been provided to men and women farmers of the province. The Punjab government has so far provided a total number of 30 thousand tractors during the last four years to the farmers with the subsidy of six billion rupees making it a milestone initiative towards the socio-economic uplift of poor farmers, both men and women.

Benazir tractor scheme

204. The Government of Sindh has also launched a project for the poor farmers namely Benazir Tractor Scheme programme. The main objective of this project is to provide an opportunity to the poor farmers to use modern technologies in their fields and earn their livelihood. This project started in 2009, and an amount of Rs.2 billion has been distributed in Sindh to empower the farmers technologically and economically.

Subsidy on fertilizers

205. Although Pakistan has an adequate capacity for urea production, the energy crisis in the form of electricity and gas shortage resulted in less production during the year 2011-12.

At that time, the price of urea was almost double in international market as compared to Pakistan because of heavy subsidy (Rs.51 billion) provided by the Government of Pakistan in the same year (2011-12). Furthermore, almost an equal amount was calculated on subsidized gas supplies to fertilizer manufacturing plants in that period.

On-going Programmes

206. With the mindset of encouraging agriculture sector production, the government of Pakistan allocated Rs.57.8 billion for water sector during the financial year 2013-14. It is an encouraging fact that out of this amount, Rs.31.0 billion have been released and utilized between July 2014 to April 2014 for achieving various landmarks including i) substantial completion (Phase-I) of Kachhi Canal in Balochistan & Rainee Canal Sindh for irrigation of 2.864 million acres, ii) raising of Mangla Dam Project and completion of Satpara Dam in GB, iii) completion of Gomal Zam Dam Project in Tribal/KPK area for irrigation of 163,100 acres of agricultural land in addition to 17.4 Mega Watt power generation, iv) lining of irrigation channels in Punjab and Sindh with a utilization of Rs.3.25 billion, and v) modernization of existing irrigation system in Punjab, Sindh, and KPK.

207. Additionally, out of the allocated/released funds, it is expected that these funds will be utilized for the result in the construction of new small/medium dams and improvement in the irrigation/drainage system all over Pakistan.

208. World Food Programme in its Pakistan Food Security Bulletin 2013 notes that Pakistan is in a comfortable situation in terms of food supply and availability, particularly for the key staple food, due to wheat production in recent year 2013 (24 million metric tons), which is estimated to be slightly higher than the previous year (23.4 million metric tons).

Right to adequate food (RtAF Guidelines)

209. The Voluntary Guidelines to support the progressive realization of the right to adequate food was adopted as a document by the Food and Agriculture Organization of the United Nations (2004). Since it is not legally binding but directs state parties to implement the right to food under the reporting guidelines of ICESCR (para. 47).

210. During the last decade, especially in the previous five years, Pakistan has been confronted with various unprecedented challenges in the form of natural disasters, law and order situation, energy crisis, and global food crises. The 2010 flood was a national crisis which affected almost one-fifth of the country and 20 million people, resulting in a sharp decline in food security across the country. The 2013 flood also hit the country in the same way. Likewise, the effects of militant extremism kept on exacting a heavy social and financial cost. The power shortage and hike in food prices exacerbated the situation and made it difficult to achieve the goal of progressive realization of RtAF. Still, Pakistan has been striving hard to achieve progressive realization of the RtAF Guidelines. Following is a succinct description of Pakistan endeavors towards realization of RtAF.

211. The Constitution of Pakistan under its Article 38, enshrines the right to food to the citizens. With the same spirit, the Government of Pakistan has taken a number of initiatives towards achieving the progressive realization of right to food. These initiatives include, establishment of the Ministry of National Food Security and Research (MNFSR), and Utility Store Corporations (USCs), preparation of the draft of National Food and Nutrition Security Policy (NF&NSP), launching of Punjab Food Support Scheme, 2008, Sasti Roti Scheme, and various other informal/non-contributory schemes for ensuring an adequate, affordable and nutritious food to the citizens of Pakistan (Detail of each program/initiative has been discussed in the earlier part of this report).

212. In backdrop of the challenging situation, the above said government initiatives have reduced the number of undernourished people from 25.1% in 1990-92 to 21.7% in 2012-14.[8]

(c) The right to water

Measures taken to ensure adequate and affordable access to water

213. The Government of Pakistan fully recognizes the fact that access to safe drinking water is the basic human right of every citizen. Therefore, the Government of Pakistan is committed to provide adequate quantity of safe drinking water for personal and domestic use to the entire population at an affordable cost. In order to fulfill the commitment, Ministry of Environment launched National Drinking Water Policy 2009 which enshrines the right to adequate and safe water in the country.

214. National Drinking Water Policy was devised in 2009 by the Ministry of Environment, Government of Pakistan. This policy aims at addressing the key issues and challenges in the provision of safe drinking water to the people of Pakistan. The major focus of this policy is to reduce morbidity and mortality primarily caused by use of unsafe drinking water. In this regard, this policy provides guidelines for increasing access to safe drinking water, protection and conservation of water resources and water filtration technologies. Furthermore, community participation, community awareness, public private partnership, research and development for provision of safe and adequate water are the major themes of this policy. It is also spelled out in the said policy that it will be regularly reviewed and updated after every five years in order to monitor and track the progress envisioned in this policy.

215. The National Drinking Water Policy, 2009 was launched before 18th Constitutional Amendment. After the amendment this subject was devolved to the provinces. In the light of National Drinking Water Policy, provincial governments are making their respective drinking water policies. Furthermore, the government departments are taking guidance from this policy for provision of safe water for personal and domestic use. For the same reason, various Development Authorities (DAs) including CDA, DAs in provinces and other Departments including WASA, Town Municipal Administration etc. are working to implement National Drinking Water Policy. These Authorities have also chalked out various initiatives for the provision of safe drinking water to the masses.

Water quality monitoring

216. The National Drinking Water Policy has put in place the water quality monitoring and surveillance system at every tier. At federal level, Ministry of Environment has primary responsibility for monitoring the quality of water. Whereas, the sector agencies like the WASA and Town Municipal Administration are responsible for drinking water supply in urban areas and Tehsil Municipal Administration in rural areas. Along with the water supply, they regularly monitor the quality of water in order to provide safe drinking water as per the prescribed standards. With the said mechanism in place, Government of Pakistan has established certain research institutions which test the quality of water received from different sources including hand pumps, motor pumps, wells, bottled water, and private vendors.

217. Since its inception in 1964, Pakistan Council of Research in Water Resources (PCRWR) has been working as a national research organization to undertake and promote

[8] State of Food Insecurity in the World, 2014.

basic and applied research in various disciplines of water sector. It has been dealing with the issues related to water quality assessment and monitoring, irrigation, drainage, surface and ground water management, watershed management, desertification control, conservation and water quality management technologies.

218. Under the instructions of Ministry of Science and Technology, PCRWR undertakes regular monitoring of bottled/mineral water brands and publicizes the results on quarterly basis. The samples of water are analyzed in ISO-17025 accredited National Water Quality Laboratory (NWQL) at PCRWR for physico-chemical and microbiological parameters. The results of all water samples are compared with Pakistan Standard Quality Control Authority (PSQCA) and Drinking Water Guidelines of World Health Organization (WHO). Findings of the tests are displayed on the official website of PCRWR and also disseminated through media. According to the 1st quarter report 2010 of PCRWR, a total of 63 brands of water were tested. Out of these more than one half of the brands were unsafe (33 of 60). These findings are publically available on website and disseminated through print media.

219. In addition to above, this Council disseminates information and awareness concerning the hygienic use of water, protection of water resources and methods to minimize water wastage. On the website of this Council, it has provided access to the online digital library which contains E-Databases, E-Books and open access to different research institutions and literature in the field of water management.

220. National Water Quality Monitoring Programme (NWQMP) has been working since 2002 under the umbrella of PCRWR. This program has successfully created a permanent network of water quality in Pakistan. This programme has provided the detailed water quality profile of 24 major cities and 23 surface water bodies (rivers, reservoirs/ dams, canals, etc.). Furthermore, rural water quality monitoring project has been initiated across the four provinces covering 64 tehsils.

221. The government with the help of different non-governmental stakeholders including NGOs, CBOs, and national and international donor agencies, has been working on awareness raising among public about the use of safe drinking water, hygienic practices, and avoiding water wastage.

(d) The Right to Housing

222. The Constitution of Pakistan declares it the responsibility of the state to promote the social and economic well-being of the people. In this regard, Article 38(d) clearly states that the State shall "provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment".

223. According to Population Census of Pakistan 1998, the population of Pakistan was 132.352 million with 19.3 million households. The average household size was 6.6 persons with occupancy of 3.3 persons per room. The census also showed that the overall housing stock comprised 39 percent Kucha houses, mostly without proper water supply; 40 percent semi-Pucca houses mostly without planned sanitation or sewerage system; and 21 percent Pucca houses. As of 1998, there was an estimated demand of 4.3 million housing units. State Bank of Pakistan reported that World Bank estimated a shortfall of 8 million housing units in Pakistan in 2009. According to the estimates of the World Bank, the annual incremental demand has reached to 600,000 units. With 600,000 annual incremental demand and 500,000 units from the backlog, total annual housing needs come to 1.1 million in 2009. At an average price of 3 million rupees per unit, total funding added up to requirement is estimated at Rs.3.3 trillion per year.

224. Pakistan has been facing the backlog of housing units since its creation. The low income groups have been at a highly insecure position due to the widening gap between demand and supply of housing units. Keeping the situation in consideration, the Government of Pakistan has been striving to overcome the problem which is compounded by increased urbanization and existing demographics of Pakistan.

225. Furthermore, every citizen has the right to own land or property in any part of Pakistan. It is his duty to fulfill the covenants of law with respect to its buying and selling. No citizen can be deprived of his land/property, which he has legally obtained. No citizen can be deprived of his land or property for public purposes. If it is done then the citizen is to be paid compensation. The relevant departments are to formulate rules and regulations for such compensation (Article 24).

226. As an initial step, House Building Finance Corporation (HBFC) was established as a statutory federal body in 1952 to provide financial assistance for construction of houses. Later on, Pakistan Housing Authority (PHA) was established in 1999 as a subsidiary of Ministry of Housing and Works and it was given a target of constructing approximately 4,500 apartments at affordable price for low and middle income groups. The PHA has so far undertaken 18 projects involving 4,476 housing units in four major cities including Karachi, Lahore, Islamabad and Peshawar.

227. The National Housing Policy 2001 was launched recognizing the fact that housing is one of the major components of human life and that there is an ever increasing short fall of housing stock in the country with the passage of time. The policy emphasized on resource mobilization, increasing land availability, provision of incentives for home ownership, provision of incentives to builders and developers, promotion of research and development activities to make construction cost effective. The policy was well tailored but its implementation could not be at the desired levels to meet the housing demands in the country.

228. The State Bank of Pakistan has also been striving hard to provide housing facility to the low income groups. In this regard, central bank has involved various financial institutions including Commercial Banks, Islamic Banks and Islamic housing finance. Moreover, the State Bank has been working with the International Finance Corporation of the World Bank for the establishment of Mortgage Refinancing Company (MRC) for availability of low cost housing finance and establishment of an observatory for real estate market.

229. Government of the Punjab launched Aashiyana Housing Scheme for poor, widows, workers, and farmers. This scheme aims to provide low cost housing with all modern necessities and facilities of life. It has been launched in Lahore, Faisalabad, Rawalpindi, Sargodha and Gujranwala. The Government of Punjab has announced to start this scheme in 17 of 36 districts of Punjab.

230. Along with the house finance initiatives, the Government has also established several projects which directly aim to provide housing facility to the poorest of the poor, the marginalized, and to the disadvantaged people. In this regard, Pakistan Bait ul Maal (PBM) has established Great homes for invalid and destitute persons, initially one at each provincial/regional head quarter (Islamabad, Lahore, Karachi, Peshawar, and Quetta). These homes provide free of cost boarding, lodging, food, clothing, medical care, recreation etc. to the residents in a dignified manner. Moreover, PBM has established Pakistan Sweet Homes (PSH) for orphans and children without parental support. So far, PBM has been able to establish six PSHs across the country, and each PSH accommodates around 100 orphan children between the age of 4 and 6 years.

Article 12: Right to health

231. The Constitution of Islamic Republic of Pakistan 1973 guarantees the right to health to all citizens irrespective of any discrimination on the basis of class, ethnicity and sex. The same claim has been envisaged in the guideline of National Health Policy 2009. With the 18th Constitutional Amendment, public health sector has been devolved to provinces. Thus provinces have greater control over the health care programs and chain of command is shorter which facilitates immediate feedback. However, to ensure inter-provincial coordination and bridging international assistance with local initiatives, Ministry of National Health Services, Regulation and Coordination has been established.

Policy interventions in health sector

232. Pakistan has adopted different policy level interventions to ensure provision of health care throughout the country. These interventions include i) health related Millennium Development Goals (MDGs); ii) National Health policy to provide guidelines to the stakeholders; and iii) Medium Term Development Framework. These policy interventions are inclusive and integrated with each other for the realization of right to primary health care for every citizen.

233. Pakistan is making consistent progress towards achievement of health related MDGs. However, there are certain areas, including under five mortality, infant mortality, fully immunized children, and total fertility rate where Pakistan needs to work more extensively to achieve the set targets of MDGs in health sector. In this regard, the federal as well as provincial governments are geared towards achieving the progressive realization of right to health for every citizen of Pakistan.

234. Before the 18th Constitutional Amendment, the National Health Policy was launched in 2009 which acted as a collective framework and provided guidelines to the provinces while implementing plans in the health sector in accordance with their requirements and priorities. That policy document proved to be a blueprint of planned improvements in the overall national scenario focusing on key areas such as i) reducing prevalence of communicable diseases; ii) addressing inadequacies in primary/secondary health care services; iii) removing professional/managerial deficiencies in the district health system; iv) promoting greater gender equity; v) bridging basic nutrition gaps in the target-population; vi) correcting urban bias in health sector; vii) introducing required regulation in private medical sector; viii) creating mass awareness in Public Health; ix) effecting improvements in the Drug Sector; and x) capacity-building for health policy monitoring.

235. The Government of Pakistan is striving to operationalize Vision 2025 through a series of MTDFs each comprising of a five years plan. The MTDF (2005-2010) emphasizes to continue and strengthen the shift from curative services to preventive, promotive and primary health care keeping in view the efficient utilization of already resource constrained economy. The MTDFs deal with the health system at three tiers i.e. federal, provincial and district level while focusing on primary health care in rural areas and urban slums.

236. The said policy interventions in health sector assure that preventive, curative and rehabilitative health care services are provided to every citizen irrespective of any difference of class, creed, or gender. Under the umbrella of above said policy interventions, the public as well as private health care sectors are sensitized to the extent that they provide an enabling environment for treatment of older persons and persons with disabilities.

Health initiatives

237. In order to improve the provision of health services, various ongoing programs cater to the emerging needs of universal health care coverage especially focused at disadvantaged

segments of society. Since the health sector is still under transformative phase after the devolution of powers, funding for major vertical programs are still provided by the Federal Government.

238. Lady Health Workers Program is directed at providing primary health care services to the women in disadvantaged neighborhoods at their doorsteps. In order to do this, more than 100,000 Lady Health Workers (LHWs) are rendering services covering a vast majority of population in the country. The program has a profound impact on mother and child care. It has improved the awareness level among the masses regarding hygiene, immunization, and birth spacing. The program aims at the training of 10,000 community midwives, provision of comprehensive Emergency Obstetric and Neonatal Care (EmONC) services in 275 health facilities and basic EmONC in 550 health facilities. Additionally, the program tends to make a significant contribution to the overall situation with the provision of family planning services in all health facilities. Despite the steady improvement in maternal and child indicators, the country still lags behind as compared to other countries in the region. Nevertheless, the smooth implementation of this program is expected to draw the desired outcomes in post MDG scenario.

239. Expanded Program for Immunization (EPI) provides immunizations to the children under the age of one year. It is a preventive program to reduce illness, disability, and mortality among the newborns. This program provides vaccinations for diseases including childhood tuberculosis, poliomyelitis, diphtheria, pertussis, neonatal tetanus, measles and hepatitis B. In order to ensure the full implementation of immunization programs, large scale political efforts are underway in remote areas to ensure the universal accessibility to the immunization services and to build consensus among the communities over its utility and indispensability.

240. Prime Minister Polio Monitoring and Coordination Cell in collaboration with the Ministry of National Health Services, Regulation and Coordination (MoNHSRC) launched a National Emergency Action Plan (NEAP) in 2012 to eradicate polio from the country. This plan is being executed under an intensified strategy (Supplementary Immunization Activities) which aims to eradicate polio virus from the country by the end of 2015. This strategy was fully implemented across the country. In given context, the NEAP has been revised and endorsed by the Prime Minister of Pakistan himself. Concomitantly, the present provincial governments with the support of federal government are not only executing an extensive polio eradication campaign but also providing full security to polio workers in risk areas.

241. Reportedly, some radical segments of society oppose polio vaccination. To castigate this ideology, International Ulama Conference on Polio Eradication legitimized polio vaccination and declared that it does not contain any substance injurious to health. This proclamation could significantly change the mindset of radical segments of society towards polio vaccination.

Nutritional services

242. In order to provide nutritional services, an Integrated Nutrition Policy Guidance Notes and Strategic and Operational Planning for Development of a National Nutrition Policy and formulation of plans for five years have been completed. Additionally, the nutritional deficiencies in the disadvantaged areas are met through food supplements. This task is performed by Lady Health Workers (LHWs) who cover more than 60% of the total population of the country.

243. Universal Salt Iodization (USI) is also in progress. A safety and quality manual has been prepared for the producers as well as for assistance in quality and monitoring. A National Zero Hunger Program is also in place which helps to cater for the nutritional needs

of the vulnerable especially children and pregnant women. Social safety net programs in the form of non-contributory schemes such as National Income Support Program and Bait-ul-Maal are working to provide financial support to the most excluded sections of the society to improve their nutritional intake in the wake of rising food prices.

Provincial initiatives

244. Punjab Health Sector Reforms Programme has been launched in the province of Punjab to improve quality and coverage of health services at primary health care facilities including RHCs and BHUs. This programme has been providing human resource, technical and logistic support to the basic health units throughout the province which resulted in a considerable impact on service delivery at these units. Moreover, this programme has put in place smart monitoring and reporting mechanism by using mobile phones to improve monitoring and data collection at basic health units. The improved level of facilities coupled with effective monitoring and evaluation system have resulted in a step forward towards achieving health related MDGs through improved health service delivery, better patient management, and efficient health management system.

245. The Government of KPK has adopted a set of policy priorities which include up-gradation of primary, secondary, and tertiary healthcare, autonomy and empowerment of teaching, district/tehsil headquarter hospitals, starting of MCH services and health protection for marginalized groups. These policy initiatives are not only geared towards provision of improved health care to the people of the province but also a step forward towards achieving the health related MDGs.

246. The said set of policy initiatives is going to be achieved with the help of new legal cover, improved coordination, drug and food regulation, recruitment of doctors and nurses, and provision of primary health care throughout the province. In all of these areas, substantial progress has been made. Furthermore, a comprehensive social health protection scheme has been launched in the province which costs Rs.1,399.156 million for outreach of health care. Along with many other initiatives, PC-Is for TB control (Rs.946.01 million), for EPI (Rs.53 million) and dengue eradication (Rs.59 million) have been approved. The Government of KPK launched Sehat Ka Insaf Programme 2014 in Peshawar to curb the crippling disease of polio. More than 10 million doses of OPV were delivered in 12 weeks, wherein 15,000 volunteers and 11,000 police force officers participated in this programme. In this regard, 17th April lab test for environmental samples from Peshawar tested negative.

247. Since Balochistan is the largest province of Pakistan by virtue of its geographical area with a highly scattered rural population, the provision of health services is challenging task. Nonetheless, the Government of Balochistan is fully cognizant about the right to health of the citizens and providing primary health services through BHUs, RHCs and DHQs. Recognizing the fact that health indicators in Balochistan are poor as compared to the rest of the country, the Federal Government extended its full support to the Government of Balochistan and launched a Balochistan Health forum. All the major stakeholders contributed to the forum to hammer out ways to improve the overall health indicators of Balochistan.

248. As a result of this forum, a multi-dimensional methodology has been adopted in Balochistan which is paving its way towards progressive realization of right to health through a number of initiatives. These initiatives include, developing ownership of provincial government in health sector in post 18th Amendment scenario, provision of technical support, encouraging research and advocacy, communities awareness about health and hygiene, and involvement of donor agencies and community organizations for uplifting the health status of people in the province. As a result, Peoples Primary Healthcare Initiative (PPHI) Balochistan has been started for providing primary health care in the entire province especially aiming to reach out to remote areas.

249. A report of Planning Commission of Pakistan 2013-14 showed that Pakistan made significant progress in achieving its annual health related physical targets. Table 4 shows the physical targets vis-à-vis achievements in 2012-13.

Table 4
Physical Targets/Achievements 2012-2013 (Nos)

	2012-13		
Sub Sector	*Targets*	*Achievements*	*(%)*
A. Rural Health Programme			
New BHUs	40	32	80
New RHCs	10	7	70
Strengthening/Improvement of BHUs	45	37	82
Strengthening/Improvement of RHCs	15	10	67
B. Hospital Beds	5,000	4,200	84
C. Health Manpower			
Doctors	5,000	4,400	88
Dentists	500	430	86
Nurses	4,000	3,300	73
Paramedics	5,500	4,500	82
TBAs	550	450	90
Training of LHWs	10,000	8,000	80
D. Preventive Programme			
Immunization (Million)	8	6	75
Oral Rehydration Salt (ORS) (Million Packet)	23	20	87

Source: Planning Commission of Pakistan (Annual Plan 2013-14).

Cost of health and nutrition services

250. For the year 2013-14, Rs.102 billion was incurred on health sector which is Rs.28.36 percent higher than the previous year of 2011-12 where the total expenditure was 79.46 billion. The provision of health care services is to be publically available for everyone whereas these services are supplemented by Zakat and Bait ul Maal which are specifically targeted at disadvantaged groups. These mechanisms provide financial assistance to the poor against health impoverishment. Among other initiatives of the Pakistan Bait ul Maal, the health related targeted program for benefit of disadvantaged include Individual Financial Assistance (IFA) and Special Friends of Pakistan Bait ul Mal.

251. The IFA is targeted to support poor and disadvantaged for medical treatment, education, and rehabilitation. With the help of this program, an amount of Rs.6,186.402 million has been disbursed to benefit of 147,361 individuals throughout the country during 2008-09 to 2012-13 (up to Dec, 2012). Whereas, under the Special Friends of PBM, the PBM is providing wheel chairs to the disabled in the country. Progress of PBM in the year 2013 shows that 60,000 wheel chairs, 2,026 tricycles, 2,500 white canes and 800 hearing devices have been distributed among the disabled.

252. In addition to the PBM, the Zakat fund is also utilized for the assistance to the disadvantaged segment of society, especially in the field of medical care. Zakat fund is provided either directly through respective zakat committee or indirectly through hospitals

and social institutions. In the year 2013-14, the disbursement of zakat funds to the needy people was Rs.4,053.57 million.

Drug Regulatory Authority of Pakistan

253. In order to deal with the challenging issues relating to drugs, the Government of Pakistan has adopted strong legislative and operational measures. These initiatives not only provide an efficient mechanism to regulate the issues of drug production, distribution, sales and marketing but also help to develop coordinated efforts for the wellbeing of public.

254. Drug Regulatory Authority of Pakistan (DRAP) established in November, 2012 provides effective coordination and enforcement of Drugs Act, 1976 and brings harmony in inter-provincial trade and commerce of drugs and therapeutic goods.

255. The Authority regulates all affairs pertaining to therapeutic goods including drugs, alternative medicines, and medical devices under the Drug Regulatory Authority of Pakistan Act, 2012. The Authority is striving to provide safe, effective and quality therapeutic goods at economical prices to the public.

256. The authority also regulates the manufacture, import, export, storage, distribution and sale of therapeutic goods. Furthermore, this Authority works in the fields of drug quality control, drug regulation, public health, pharmacy services, health finance, health economics, health management, pharmacology and biotechnology.

257. The Punjab Health Department has Provincial Health Development Center (PHDC) for development and capacity building of health professionals. This department is working in coordination with District Health Development Center to improve the quality of health at district level. The Provincial Health Development Center has different training programs for professional development of health personnel under technical support from senior faculty at PHDC. Some of the salient training programs under the ambit of PHDC are i) induction training; and ii) training of master trainers at DHDCs.

258. The Provincial Health Services Academy (PHSA) in KPK is the largest training initiative taken in the province as a direct response to address the capacity issues in health sector. The PHSA comprises 26 institutions. In addition to the trainings, the PHSA also reviewed and updated the job description of nursing and para-medical staff. In this way, the capabilities of health professionals at tactical and operational levels remain resonant with the contemporary public health issues. Under collaborative arrangements with international institutions, PHSA has introduced optimum degree courses in the fields of public health, administration, health care financing, and nursing.

259. Provincial Health Development Center, Jamshoro is a teaching, training and research institute of the Health Department, Government of Sindh. The mission of PHDC is to improve the health status of the people through evidence based policy making, rational planning, human resource capacity building, management development, operational research, quality assurance in health care delivery system, and community development.

260. Government of Balochistan has established Institute of Public Health Quetta (IPHQ) to elevate the health training standards of the province in line with the Primary Health Care (PHC) approach. IPHQ conducts evidence based research on public health issues which have contemporary significance in the province of Balochistan. The institute has developed an extensive base since its inception and it collaborates with the health department in discharging their mandate as the principal health care service provider in the province.

Child and maternal health

261. With various child and maternal health initiatives, Pakistan has been able to fulfill its MDGs commitments while making considerable progress on health related MDGs. In this regard, the child and maternal mortality rates have declined substantially.

262. The Government of Pakistan has initiated the National Maternal and Child Health Programme and the National Programme for Family Planning and Primary Health Care, also known as the Lady Health Workers Programme for improving health conditions and especially improving maternal and child health. These programmes have resulted in achieving health related MDGs. With the help these programmes and other vertical health care initiatives, maternal mortality rate has declined from 533 in 1990-91 (benchmark) to 260 in 2009-10 whereas, infant mortality rate on the same benchmark has declined from 117 to 89 in 2012-13.

263. An obvious decrease in child and maternal mortality rates reflect the quality of health care provision to the newly born children and child bearing women. Additionally, the private sector in Pakistan is also contributing considerably towards improving the maternal and child health services in the country through its highly specialized medical professionals and state of the art medical services.

264. Water borne diseases have been a major concern of health care system in Pakistan. Malaria is one of the most threatening diseases in the country in its various dangerous forms. National Strategy for Malaria Control is aligned with WHO's T3 strategy. It emphasizes test, treat and track approach towards this disease. Under this program, most vulnerable districts are identified. The Government is actively pursuing the initiatives in these areas to control the spread of the disease. Furthermore, during the outbreak of dengue fever especially during the year 2011-2012, the Government of Pakistan has made all out efforts to eradicate the epidemic by ensuring the removal of standing water and improving sanitation facilities. As a result of these efforts, the incidence of the disease has reduced manifold in the last two years.

265. TB Control Program in the country has a wide coverage which has provided care to more than 500,000 patients in the last five years. Resultantly, the treatment rate stands at over 90% in the country. The program is moving towards its target of achieving 70% case detection per the international standards. For this, suspect management, quality bacteriology services, monitoring and supervision, advocacy communication and other such services need to be improved.

Alcohol and drug abuse

266. In accordance with the teachings of Islam, the Prohibition (Enforcement of Hadd) Order, 1979 clearly prohibits sale, consumption, and carrying of liquor as a criminal offence which may lead to five years imprisonment.

267. Pakistan had been struggling with increasing incidence of drug abuse in the past. Government of Pakistan has put a concerted effort along with law enforcement agencies, community organizations, and health departments to contain drug abuse in the country. Government of Pakistan has initiated 11 projects with an estimated cost of Rs.4.30 billion for the treatment and rehabilitation of patients as well as to restrict the supply of drugs within the country.

HIV/AIDS

268. The Government has proactively worked to prevent, control, and cure the STDs among its citizens and to disseminate information regarding practices which may increase the risk of getting infected. Despite having a relatively low prevalence rate of HIV/AIDS in

the country, Government of Pakistan is committed to rigorously pursue health initiatives to prevent the spread of the infection. The HIV/AIDS Control Program aims at the behavioral change by increasing awareness among the masses, especially among the most vulnerable segments, regarding safe blood transfusion and injections.

269. The Government, in collaborative arrangements with international development partners such as UN agencies, has also undertaken capacity building initiatives to increase effectiveness. Some 4,500 positive cases have been reported to the Government so far for which treatment of sexually transmitted infections (STIs) is provided.

270. The National and Provincial AIDS Control Programs resulted in the establishment of 15 HIV Treatment and Care centers across the country. These centers provide comprehensive HIV care services including free anti-retroviral therapy. Additionally, the centers have contemporary diagnostic facilities including free advanced HIV diagnostics such as CD4 and HIV Viral load testing and management of HIV related opportunistic infections. Keeping in view the social stigma attached with the disease and the need to maintain self-esteem of the patients, counseling services are also provided to HIV positive people. An estimated 4,000 HIV positive people are receiving care. Almost one half of them are on life saving anti-retroviral therapy.

271. Government of Pakistan launched its National AIDS Control Program in 1986-87 with a prime focus to ensure that children affected by HIV/AIDS in Pakistan are able to reach their full potential, and they are able to contribute toward the development of self, their family, community, and for the country. It was estimated that a total of 96,400 adults have been living with HIV/AIDS in Pakistan, whereas 5,000 persons died of AIDS between 1986 and 2007 (National AIDS Control Program, 2010). The most-at-risk population (MARP) includes commercial sex workers, prisoners, street children, migrant workers, and truck drivers.

272. Keeping in view the severity of the situation, the response for children affected by HIV/AIDS has been led by the National and Provincial AIDS Control Programs. Some key national level responses for children affected by HIV and AIDS include i) Assessment of Protection Risks and Failures for Children Vulnerable to and affected by HIV and AIDS in Pakistan (2007); ii) National Consultation on Protecting Children and Adolescents in the Context of HIV (2008); iii) Children and Young People Living with and Affected by HIV and AIDS in Pakistan (2008); iv) National Plan of Action for Children (2006); v) National Care and Support Training of Trainers and Provincial Roll-out Trainings (2009); vi) HIV Testing Criteria for Children affected by HIV and AIDS (2008); vii) National Care and Support Reference Materials for NGOs and Families Living with HIV and AIDS (2008); viii) Inclusion of HIV positive families (including children) in the Government Planning and Costed Documents (PC-Is) (2008); ix) National Strategic Framework for HIV Treatment, Care and Support in Pakistan (2008); and x) National HIV Counseling Guidelines for Children and Adolescents (2007).

Prevention and control of hepatitis

273. Prime Minister's Program for Prevention and Control of Hepatitis in Pakistan aims at 50% reduction of hepatitis B and C cases by 2015. It is focused on advocacy, awareness raising and behavior change among the people. In addition, the program includes vaccination of high risk groups, screening and diagnosis facilities in 150 teaching and DHQ hospitals, and prevention of hepatitis A and E.

Cancer treatment

274. Like most developing countries, cancer is a serious problem in Pakistan. In this connection, Government has taken concrete steps Pakistan Atomic Energy Commission's

hospitals are already providing comprehensive health services in all the four provinces. Additionally, Federal Breast Cancer Screening Program has been launched in 2013 for the diagnosis and treatment of women. Besides, nine hospitals are under construction and almost all the major cities throughout the country are expected to have cancer hospitals in the near future. Government is also striving hard to introduce latest therapeutic and diagnostic facilities in these hospitals. For the patients in remote areas, Mobile Breast Care Clinics have been an effective tool for raising awareness, diagnosis, and treatment of patients.

Essential drugs

275. Pakistan considers the provision of essential drugs as an essential component of primary health care. For the same reason, free of cost essential drugs are provided in government hospitals. Government hospitals adopt elaborated drug quantification and procurement procedure for achieving efficient need base utilization of essential drugs. To ensure the provision of essential drugs at district and tehsil level, the District Governments have been given the responsibility for preparing Essential Drug Lists (EDLs) on the basis of respective district's burden of diseases. Accordingly, essential drugs are procured by the government and provided to the deserving patients free of cost. Details about anti-retroviral diseases and medicine have been given in above section of this report.

Mental Health

276. The Government of Pakistan has promulgated Mental Health Ordinance, 2001 to ensure psychiatric facilities including assessment, admission, treatment, rehabilitation, care and after care for mental health patients. On ground, in every province, psychiatric wards are established in teaching hospitals for provision of psychiatric facilities to the patients. Additionally, private sector is vibrant in providing psychiatric facilities and complementing the government initiatives.

277. Punjab Institute of Mental Health, Lahore is one of the largest institutes for psychiatrically disturbed patients in South Asia with 1,400 beds, covering an area of 50 acres. It caters to the needs of entire Pakistan whereby 500 to 600 patients are taken care of in-out patient department daily.

Article 13: Right to compulsory primary education

278. Government of Pakistan is committed to provide universal education to its citizens and has been striving to introduce action based and goals oriented reforms. Besides its commitments to International Covenant on Economic, Social, and Cultural Rights (ICESCR), Pakistan is also signatory to Education for All (EFA) program led by UNESCO. Achieving the Millennium Development Goal 2 which aims at the realization of universal primary education, is another hallmark of government's efforts in this direction.

279. The passage of 18th Amendment in the Constitution of Islamic Republic of Pakistan has made it legally binding on the Government under Article 25-A of the Constitution to provide free and compulsory education to children as a matter of their fundamental right. Article 25-A titled "Right to Education" provides free and compulsory education to all children between the age of five to sixteen years in such manner as may be determined by law". To further ensure the right to basic education, Article 37 enshrines the hallmark association of education with the promotion of social justice. According to the said article, the State shall i) promote, with special care, the educational and economic interests of backward classes or areas; ii) remove illiteracy and provide free and compulsory secondary education within minimum possible period; and iii) make technical and professional

education generally available and higher education equally accessible to all on the basis of merit.

280. After devolution of Ministry of Education, the Government reviewed the situation and felt the need for having a ministry of education at federal level. Subsequently, the Ministry of Federal Education and Professional Training was established in July, 2011 with a mandate to spearhead the programs related to: i) National Vocational and Technical Education Commission (NAVTTC); ii) Academy of Educational Planning and Management (AEPAM), Islamabad; iii) Federal Board of Intermediate and Secondary Education (FBISE), Islamabad; iv) National Educational Assessment Centre, Islamabad; v) National Training Bureau, Islamabad; vi) Pakistan Manpower Institute; vii) National Internship Programme (NIP); viii) Akhtar Hameed Khan, National Centre for Rural Development Islamabad; and ix) National Talent Pool, Islamabad.

281. The Federal Capital's program for providing free text books, which started in 2005-2006, is running successfully. Federal Directorate of Education is working proactively for the provision of textbooks substantial amount of Rs.71 million had been allocated for the fiscal year 2012-2013. Federal Government has also been providing merit scholarships to the students since 2008-2009. In addition to the public schools, Private Education Regulatory Authority (PERA) also provides free text books to private schools which teach students according to the government syllabus.

282. Since 2006 the Ministry of Education, Training and Standards in Higher Education, Government of Pakistan is running a nationwide informal Primary Education Program named "Basic Education Community Schools in the country" (BECS), in all provinces and regions of Pakistan. BECS schools focus on social equity and gender equality.80% of the teachers and 60% of the students are women /girls. The current enrolment in the 13,094 BECS Schools is 575,384 students. There are 326,359 female students and 249,025 male students, 10,475 female teachers nd 2,619 male teachers in BECS Schools. The budget of BECS program is PKR 6,865.707 million. More than 5 million school children have been educated by the BECS so far. The Cost-Benefit Ratio of BECS projects shows that it produces greater number of students with primary level education with lesser investment, as compared to formal primary schools of the government.

283. The Government of the Punjab started providing free text books to the students from nursery to primary level in the year 2004-2005. Later on, the scheme also included students at elementary level and provided 20.9 million text books in the year 2005-2006. In the year 2011-2013, further extension took place in the scheme and 40.08 million text books were provided from Nursery to Secondary Level. This benefited 10.597 million students. In order to improve female education, Government of the Punjab is providing a monthly stipend to girls who are studying in grade 6-10 and belong to the 15 most vulnerable districts. Started in 2003, the program has benefitted 375,605 girls till the year 2010.

284. Taking progressive steps towards free education, the Government of the Punjab has extensively focused on the school education Rs.15,000/- million are being spent on 62 development projects in the province. Some of the salient programs include the provision of early childhood education in 1,000 primary schools, up gradation of School Education Department in line with the international standards and capacity building of 4,286 Higher Secondary Schools by provision of computer and IT education.

285. The Government of Sindh has also introduced free text book scheme firstly for primary students in government schools but later on extended to secondary class in 2005-2006. Keeping in view the popularity of the scheme, it was extended to students in higher secondary schools from 2010-2011. Additionally, the Government of Sindh also provides scholarship to students from poor community for pursuing higher education in prestigious

institutions. An endowment fund of Rs 1.0 Billion is instituted for this purpose which the Government plans to increase the funds for the next financial year.

286. The Government of Sindh has a holistic focus on the development of education sector whereby Rs.12,000/- million are being spent on 157 development projects in the province. The Annual development Plan of Sindh focuses on elementary education (in order to cater for the low transition rate), Secondary education, teachers training, college and higher education. The important features of these programs include up gradation of 115 middle schools to high schools, introduction of advanced level courses in degree colleges, setting up of community colleges, provision of computer/IT education at school level. It is facilitating the provision of private educational facilities in deprived rural areas.

287. The Government of Khyber Pakhtunkhwa has undertaken a similar initiative and is providing free textbooks from nursery to secondary level. The Government has so far distributed 30 million textbooks to public sector schools. A stipend is also provided to encourage girl students at middle and secondary level, especially in areas where the literacy rate is lower than the rest of province.

288. The Government of Khyber Pakhtunkhwa is spending Rs.7,116/- million under Provincial Annual Development Program despite extensive financial burden in the wake of fight against terrorism. The major initiatives taken by the Government include the setting up of 110 primary schools and using 100 mosque sites as public primary schools. Additionally, the Government has put extensive efforts towards teacher training which also includes training of management staff for better utilization of resources. For the efficacious coordination among higher education institutions and organization of the existing bodies, the Government has set up Project Management Unit (PMU).

289. The Government of Balochistan provides free textbooks up to the secondary level school students. Moreover, a scholarship program has also been initiated for the students from the province. In this regard, 150 scholarships were granted during the year 2012-2013. The Government of Balochistan is spending Rs.2,150.394 million for 163 development projects which is the largest number as compared to other provinces. The Government is keen towards the improvement in education sector and considers it as the best long term solution to the law and order situation in the province. In this connection, 49 projects related to primary education and 50 projects related to middle and secondary education are in place. Additionally Government is promoting technical as well as university education and a number of projects are in operation.

290. The Government of Pakistan is inclined to foster the technical and vocational education in the country to cater to the high unemployment rate due to different factors. In this regard, the Government is aiming to increase efficiency by building the capacity of existing labour class especially in the small and medium Enterprises.

291. NAVTTC is a strategic think tank set up for technical and vocational education and training (TVET) in the country. Under President's Funni Maharat Program and Prime Minister's Hunermand Pakistan Program, 148,373 candidates have already received technical and vocational training whereas 5,267 are in the process.

292. In order to address the utility of TVET in job market, NAVTTC has developed 175 curricula in accordance with the Competency Based Training (CBT) approach. The curriculum development has been made in due consultation with the industries. Furthermore, NAVTTC has developed competency standards for some economic sectors in association with International Labour Organization (ILO). NAVTTC has established 28 Industry Advisory Groups (IAGs) in different sectors. The IAGs involve representatives of industry which provide updated information on labor market and help in developing competency standards for TVET program.

293. The establishment of National Education Assessment System (NEAS) in the year 2003 was a milestone for promoting quality education among the children of Pakistan. NEAS has conducted four rounds of national assessment. It has established benchmark at Grade 4 and 8 level in the subjects of Language (Urdu & Sindhi), Mathematics, Science and Social Studies. In addition with the financial support of UNICEF, NEAS conducted benchmark survey in UNICEF assisted schools in Balochistan and Khyber Pakhtunkhwa; and an impact study of teacher training program under CIDA-DFEC project in AJK, Gilgit-Baltistan, FATA and ICT.

294. In addition to the international research opportunities, Higher Education Commission (HEC) is spending a significant amount of money (Rs.1,463 million) on 597 national level projects. By the year 2011-2012, 6,210 cases for travel grants and by 2012, 394 cases for seminars/conferences were approved by the Commission. The encouragement given to the educationists and scholars at higher level will motivate people from marginalized backgrounds to continue their studies.

295. HEC is carrying out "HEC's Outstanding Research Awards Series" which aims to motivate the researchers produce the quality knowledge in their respective fields. In the years 2009 and 2011, 24 and 33 research awards were given to the researchers. Under a project titled, "Monograph and Text" published by the HEC and under "Patent Filling" Project, 28 patents were filed. Additionally, HEC is funding numerous research projects, 11 projects were completed in only one program titled, University Industry Technology Support Program". In order to harness the capacities of public universities, research offices have been developed in 26 universities under the project "Offices of Research, Innovation and Commercialization". Such projects are an evidence of Government's resolve to promote culture of research in public universities and to attract more students to continue their higher education to the highest levels.

Article 14: Right to compulsory primary education

The National Plan of Action (2013-16)

296. The Federal Ministry of Education, Trainings and Standards in Higher Education has developed a National Plan of Action to Accelerate education-related MDGs (2013-2016). The Plan of Action has been formulated in rigorous consultations with provincial Education Departments. The National Plan of Action also contains customized Plan of Actions for the provinces and other administrative zones. It is one of the landmark documents regarding primary education in the country which aims to ensure the maximum enrolment, retention, completion and improved quality of primary education in Pakistan.

297. The National Plan of Action (2013-2016) was developed on the basis of nationwide situational analysis of education sector which included the four provinces, federal territory, Federally Administered Tribal Areas (FATA) and Azad Jammu and Kashmir (AJK). The situation analysis informed the policy makers regarding the determinants of low enrolment and retention rates and identified the bottlenecks in the implementation of initiatives undertaken by the Government. In this Plan of Action, it has been suggested that the universal primary education can be attained by using existing resources and developing new strategies.

298. In Pakistan the population of age group 5-9 year was 21.1 million, of which 52 percent are boys and 48 percent girls. The overall net enrolment rate was 68 percent. The National Plan of Action (2013-16) targets to enroll 76 percent of total out-of-school children. With the implementation of current Plan of Action (2013-16), NER is estimated to increase 6-7 percent each year. It is estimated that by the end of the term of this Plan of Action, target of universal primary education would be achieved across the country.

299. Keeping in view the recommendations drawn from the situational analysis, the Government of Pakistan has developed four specific strategies to achieve universal primary education which include i) enrolment of new students in existing schools; ii) enrolment of new students through provision of additional rooms; iii) enrolment of new students in new schools; and iv) targeted incentives to enhance enrolment and retention

300. Under the NPA, existing structure will be utilized to its maximum potential by increasing the enrolment. Closed schools will be opened to increase accessibility of people towards education facilities. Resultantly, 3,225,793 new students are expected to be enrolled during 2013-16.

301. With new enrolment, it is also important to increase the quality of education. For this reason, well trained teachers and supervisors will be required to deliver modern education. It is envisioned that student-teacher ratio and teacher-supervisor ratio in schools should be 30:1 and 40:1 respectively. For this purpose 16,781 formal school teachers, 14,775 non-formal school teachers and 20 supervisors will be recruited during the year 2013-16.

302. The NPA has an extensive focus on infrastructure development which is based on constructing one additional classroom in existing public schools. With these classrooms, additional teaching staff will also be hired to sustain optimum student-teacher ratio. By these provisions, Government targets to accommodate 513,774 new students by 2016. It is planned that no more than 30 primary age students will be accommodated in one room. To achieve a balanced student teacher ratio, Government aims to provide 21,004 additional rooms during the year 2013-2016. It is expected that with better supervision of school affairs and inclusion of more school teachers, the school environment will become more congenial towards the needs of students. Resultantly, more students are likely to enroll and retained by the schools.

303. In remote areas, new formal and non-formal schools will be built to increase access to primary education. Under the strategy stipulated in NPA, 6,917 formal teachers, 33,752 informal teachers, 857 administrators and 835 support staff will be recruited. The total implementation cost of this strategy is estimated at Rs.50,897 million. The major portion of this spending will be incurred on development and recruitment of new teachers which is 80 percent. The remaining amount will be spent on quality improvement and other miscellaneous tasks.

304. The drop-out rate among disadvantaged groups, especially in rural areas, is comparatively higher than in the urban ones due to limited financial resources available with these groups. To enhance enrollment and retention rate of primary age children, special incentives are introduced in target areas with a specific emphasis on girls' education. These incentives include school uniforms. The estimated cost for these incentives is Rs.30.1 billion. An estimated number of 10,318,645 students are expected to benefit from such projects.

305. Pakistan has targeted 5,055,389 new primary school enrolments under the National Plan of Action (2013-16). Under the National Plan of Action, the resources are allocated proportionately for aforementioned four strategies. A big portion of financial resources will be incurred for utilization of existing infrastructure which is 37 percent of the total allocation. The second highest proportion (27 percent) is allocated to ensure access to primary education to disadvantaged groups by introducing incentives for improving enrolment and retention indicators in primary school education. 20% of the allocation is for the development of existing schools whereas 16 percent is for the establishment of schools especially in remote areas.

Implementation and monitoring mechanism

306. For the successful implementation of this Plan of Action, the Federal and Provincial Governments have joined hands to develop elaborate collaboration mechanisms. The Federal Government will provide technical support and professional assistance for development, implementation, and evaluation of plan. The Federal Government will also provide platform for inter-provincial coordination and due participation of all the relevant stakeholders. On the other hand, provincial governments will ensure budgetary allocations and progress at the ground level. The implementation and monitoring mechanism will work at two levels for the smooth execution of this Plan of Action.

Overall Macro Level Inter-Governmental Coordination

307. At this level, coordination among key stakeholders including Provincial Coordinating Units, Federal Coordinating Unit, civil society and international development organizations will be ensured. Each year the plan will be reviewed, evaluated and further steps will be taken in due consultation with the aforementioned stakeholders.

Intra-provincial coordination and implementation network

308. The Provincial Coordinating Unit will oversee development, implementation and evaluation of education in its province or area. This network consists of different cells i.e. Data & Research; Planning, Coordination & Implementation; and Monitoring and Evaluation. In order to allow flexibility at operational level, annual reporting will be made to review the progress against each target mentioned in the Plan of Action. On the basis of evaluation of these reports, specific strategies will be incorporated to deal with the bottlenecks in achieving successful progress. On the completion of the initiatives under this Plan of Action, comprehensive reporting will be done to share the progress towards universalization of primary education.

Article 15: Right to cultural life

309. The Government of Pakistan recognizes and respects the right of people to cultural life, science and all that is derived from their developments. Recognizing the significance of the cultural rights, Article 28 of the Constitution of Pakistan furnishes that all sections of the society have the right to preserve and promote their distinct language, script or culture and for that purpose they have the right to establish and develop institutions.

310. The Government of Pakistan has established adequate institutional infrastructure to promote participation in, access to cultural life, especially at the community level. For that reason, before the 18th Constitutional Amendment, there was a Ministry of Culture to preserve, promote and increase communities' participation in cultural life, implementation and enforcement of cultural policies and activities in the country. After the 18th Amendment, the functions of this Ministry have been devolved to the provinces with a mandate to carry out the same functions at provincial, district, tehsil and even union council level. However, recognizing the dire need of existence of an institution, which can perform coordination role among different provinces and spearhead the cultural activities at national level, the Government of Pakistan established the Ministry of Information, Broadcasting & National Heritage with a designated wing i.e. National Heritage & Integration in 2011 for increasing the participation, protection, promotion, and preservation of cultural life.

311. Under the Rules of Business, 1973 (as amended), a number of institutional arrangements have been assigned to National Heritage & Integration Wing which cover the different aspects of cultural life including promotion, preservation, participation, and cultural exchange within as well as without the country.

Institutional infrastructure at provincial level

312. The provincial governments duly recognize their role to promote the cultural life across the provinces. For that reason, every provincial government has established designated department with a mandate to increase the participation of local communities in cultural life and promote the popular culture within the province.

313. The Department of Information and Culture in Punjab acts as the enabling arm of the Government for the promotion of art and culture and preservation and display of archaeological treasures of Punjab. This department serves as a platform for everyone, irrespective of any rural and urban divide in execution of cultural activities at provincial, district and union council level.

314. The Government of Punjab created a new department in October 2011 namely Youth Affairs, Sports, Archeology & Tourism. It was a new experiment in the history of Pakistan which clubbed together youth, sports, archeology and tourism into a single department. Furthermore, this department encouraged the participation of local communities into cultural, sports and tourism activities. It develops and promotes tourism in Pakistan. It attracts tourists to visit Pakistani historical & cultural heritage. It provides entertainment and recreation facilities to the people.

315. Like other provinces, Sindh is also culturally very rich. Culture Department of Sindh promotes provincial cultural heritage within Pakistan and abroad. It has established cultural complexes, open air theatres, auditoriums, studios, and art councils to promote the heritage of Sindh. There is a specialized mechanism to preserve, express and disseminate the cultural history, identity, customs, and language of the Sindh. In this regard, 12 public libraries in major cities of the province have been established whereas many more are in process of establishment. These libraries serve as cultural hub to execute curricular and extra-curricular activities with a primary focus on the Sindh culture. For preservation and promotion of cultural heritage of the province, new development schemes have also been incorporated in the Provincial PSDP (ADP 2013-14).

316. Department of Culture, Archives and Tourism, Sindh works to protect cultural heritage, promote tourism and to archive the cultural and educational resources from various departments and district headquarters. It also propagates and projects the indigenous cultural image of the region by arranging exhibitions, puppet shows, folk performances of music and dance. It has reached out to the far flung areas of the province where it offers training programs in the field of folk and fine arts with the help of attached and autonomous bodies.

317. The Culture and Tourism Cell was established in 1989 to promote tourism as well as patronize the rich cultural heritage of Balochistan. The Directorate of Archives deals with the acquisition, maintenance and utilization of archaic records for research and administrative purposes. Furthermore, it administers and controls the affairs of exploration, excavation, preservation, conservation and protection of historical, cultural, anthropological, archaeological, religious and natural sites, monuments, tombs, fortification, graveyards and other antiquities under Balochistan Antiquities Act 2012.

318. In KPK, Information, Public Relations and Culture Department works for the protection, perseveration, and promotion of cultural life in the province. This Department plans, organizes and monitors all cultural activities across the province with the help of its attached offices and registered organizations. Moreover, it provides grant in aid to those cultural societies and art councils which are registered with its Directorate. Recently it has paved way to forge partnerships at national and international level through cultural exchange programs and other learning initiatives.

Protection and promotion of regional languages

319. Pakistan is a multilingual country with six major and more than fifty minor regional languages. However, the languages of government, corporate sector, media and education are Urdu and English.

320. National Language Authority (NLA) has been playing a vital role in the protection and promotion of national and regional languages under the umbrella of National Heritage and Integration Wing. The NLA has joined hands with the international Unicode Consortium to standardize the Urdu and other Pakistani languages to be used over internet, computer, mobiles and other such platforms and devices. The NLA developed a lot of material for language development which included publication of more than 600 books and dictionaries of various regional languages.

Access to Cinema, Theater and Cultural Activities

321. The Government of Pakistan has not only established government institutions but also provided enabling environment to the NGOs/CBOs/and indigenous parties to ensure access to cinema, theater and cultural activities. Following are the formal and informal institutions which help the masses in getting access to cinema, theater and cultural activities:

322. Pakistan National Council of Arts (PNCA) was established in 1973 as an autonomous body. It is currently working under the umbrella of Ministry of Information, Broadcasting & National Heritage. PNCA is considered a package of entertainment. The salient functions of this body include exhibitions, theatre plays, music and special events, open air theatre, cinema plays and display of paintings.

323. The National Institute of Folk and Traditional Heritage (Lok Virsa) is a specialized organization working to create awareness of cultural legacy through collection, documentation, preservation and dissemination of folk and traditional heritage. Lok Virsa (LV) is an affiliate member of UNESCO, World Craft Council, International Council of Music, Asian Cultural Centre for UNESCO, International Council of Museums and other similar world organizations for the dissemination of art work.

324. The PNCA and Lok Virsa are two main institutions working to provide access and participation in cultural life of rural areas. The PNCA has organized a number of events in rural areas including puppetry shows from Khyber Pukhtoonkhwa to Sindh. Talent from rural areas is given chance to participate in various cultural events and represent their culture. Lok Virsa in its annual mela provides opportunities to all regions of Pakistan to showcase their rich cultural heritage through display of exhibits/artifacts and live performance.

325. Internet and digital technology is used for preparing HD movies in collaboration with Pakistan National Commission on UNESCO for inscription of Pakistani cultural heritage, both tangible and intangible.

Promotion of Cultural life of Indigenous People and other Minority Groups

326. In collaboration with other institutes and organizations, a number of steps have been taken for promoting the cultural life of indigenous people which includes celebrating Kalash traditional dance and dress, arranging Pakhtoon night at PNCA, depicting their traditional dances, cuisine, dresses etc. Lok Virsa also performs the same functions as those of PNCA.

327. In addition to the above measures, Holi, Diwali, Christmas, and other occasions of minorities are celebrated in collaboration with Ministry of Religious Affairs and Interfaith Harmony at PNCA.

328. The Constitution of Pakistan clearly spells out to ensure adequate provision for the minorities to freely profess and practice their religions and develop their cultures (Article 2A). Furthermore, Article 28 stipulates that any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose. On ground, the Federal as well as Provincial Governments protect cultural diversity and promote awareness of the cultural heritage of ethnic, religious or linguistic minorities and indigenous communities.

329. Pakistan possesses a cultural diversity due to its cultural geography. It is at the meeting point of South Asia, Central Asia, West Asia, and the Arabian Gulf region. This geographical location is characterized by history of various civilizations ranging from Mughal architecture, to rich Gandhara civilization of Buddist heritage, the Mohenjodaro, Mehergha Sikh contribution. The Sikh architecture is complemented by Hindu heritage such as Katas temples and Rohtas Fort. The Government of Pakistan, with the help of UNESCO and various other international and national NGOs fully protects the cultural heritage of all types of minorities. The constitutional cover, legal protection, government patronage, and support of national and international NGOs, altogether, result in an enabling environment for the preservation and protection of cultural heritage of minorities. Furthermore, they can express and disseminate their identity, history, and customs with free will.

Professional Education in the Field of Culture and Arts

330. There are different public and private institutions that impart professional education in the field of culture and arts.

331. National College of Arts (1875) and the College of Art & Design (1940) are the oldest institutions in the field of art and culture. The combination of well-designed curriculum and contemporary educational methodology bring together theory and practice in these institutions. The Pakistan Institute of Fashion and Design (PIFD) was established in 1994 as a project of Export Promotion Bureau (EPB), Ministry of Commerce, Government of Pakistan. This institute has various constituent colleges established in Islamabad, Faisalabad, Peshawar, Multan, Quetta, and Hala. These colleges ensure the outreach of fashion and design education throughout the country. They provide a comprehensive design education which is based on the understanding of the relationship between the designed product and the consumer.

332. Recognizing the importance of art and culture in the country, the educational institutions have established designated departments to impart the fine arts education to the students. In this regard, every renowned public sector university has established separate department whereby different short term, undergraduate, graduate, and post graduate programs are offered. Furthermore, the Government of Pakistan has provided enabling environment for the private sector organizations to establish educational institutions in the field of art and culture.

Protection of Intellectual Property Rights

333. Article 19A of the Constitution of Pakistan enshrines the right to information and states: "Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law". Nonetheless, the Government of Pakistan is committed to ensure the protection of the moral and material interest of creators i.e. writers, artists and intellectuals. The Government has adopted legislative, administrative and institutional measures to protect copyright intellectual or artistic work. Following measures have been taken to protect the moral, intellectual, and monetary benefit of creators:

334. Pakistan is a member of both the Berne Copyright Union and the Universal Copyright Convention. Under the International Copyright Order 1968 (issued under section 54 of the Ordinance), all the provisions of the Ordinance, which apply exclusively to Pakistani works also apply to any work first published in a country being a member of either of the above two conventions in such a manner as if the work was first published within Pakistan. Accordingly, the copyright subsisting in any work in any member country is protected in Pakistan under the Ordinance. Pakistan is also a member of the TRIPS Agreement which contains provisions of the Berne Convention for the Protection of Literary and Artistic Works (1971).

335. The Copyright Ordinance, 1962 was passed to protect and secure the moral and economic rights of creators such as authors/writers, publishers, performers and producers of sound recordings (phonograms). Subsequent changes have been made in the Ordinance through amendments in 1992 and 2000. According to this law, duration of copyright protection is life time of the authors and 50 years thereafter. The violation of any type of copyright is punishable in the country. Penalty for such violation shall be imprisonment extending to three years and fine.

336. The Government of Pakistan is committed to protect the rights of the authors and writers. The legislature has passed Intellectual Property Organization (IPO) of Pakistan Act in 2012. This Act creates a permanent coordinating structure for the IPO as well as a funding structure. It vests IPO with enforcement authority, authority over strengthening intellectual property protection, and public awareness for the importance of intellectual property protection in Pakistan. The Act provides for the establishment of specialized IP "Tribunals" throughout the country, which will adjudicate IP disputes through the use of cadres of trained judges in the areas of IP.

337. The Islamic Republic of Pakistan established a Board for advancement of literature in 1958. The Board provide a platform to the creators and authors so that they may get benefit from their literary and artistic productions. The affairs of the Board are controlled by the Board of Governors through its by-laws. The Board is financially aided by the Punjab Government on annual basis.

338. Pakistan Academy of Letters was established as an autonomous organization by the Government of Pakistan in 1976. The main purposes of this academy are to provide a platform to the young writers and authors regardless of any discrimination, so that they may expose their talent and ability, and can play an effective role in the field of literature and arts. Additionally, it provides opportunity to people living in rural areas or marginalized people who may not be selected on merit. For that purposes, this academy provides financial support to the marginalized creators and also protects and safeguards the material interests of these groups. To appreciate the young talent, as well as old creators, the Pakistan Academy of letters also gives annual awards to the best creators all over the country.

339. Pakistan Higher Education Commission (HEC) conducts free evaluation of invention periodically to know about the patentability of the invention. It also ensures payment of patent application and patent attorney's fee.

International cooperation

340. A number of cultural exchange programs have been signed with foreign countries. With some countries, these exchange programs are under process and will be formalized in due course. These agreements include cooperation in the field of science, education, and culture. Pakistan has participated in a number of international events like Kathmandu Cultural Forum. Cultural Troupe of Pakistan regularly participates in international festivals/events where it presents the rich cultural heritage of Pakistan. Such activities help in promoting soft image of Pakistan.